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Denison, Tex. — Charter

CHARTER

OF THE

CITY OF DENISON

WITH THE AMENDMENTS THERETO

AND THE

COMPILED ORDINANCES

OF THE CITY OF DENISON.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF DENISON, TEXAS,
MAY 29th, A. D., 1916.

All penal ordinances that are in force at this date are included herein, except the electrical and building codes.

JOHN T. SUGGS, City Attorney.

R. W. STODDARD, Asst. City Attorney.

Denison, Tex.--Ordinances

THE

CHARTER

OF THE

CITY OF DENISON

HERALD PUBLISHING CO.
DENISON, TEXAS
1916

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CHARTER

BOOKSTACKS OFFICE

OF THE CITY OF DENISON.

A BILL ENTITLED AN ACT GRANTING TO DENISON, GRAYSON COUNTY, TEXAS, A NEW CHARTER OF INCORPORATION, REPEALING ALL LAW AND PARTS OF LAW IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Texas:

ARTICLE 1.

Section 1. **Corporate Name.**—That all the inhabitants of the City of Denison, Grayson County, Texas, as the boundaries and limits of said city are herein established, or may be hereafter established, shall be a body politic, incorporated under and known by, the name and style of the "City of Denison," with such powers, rights and duties as are herein provided.

Sec. 2. **Boundaries.**—That the bounds and limits of said corporation "The City of Denison," shall be its present limits and boundaries. Any territory adjoining the present or future boundaries of said city may from time to time, in any size or shape described, be admitted and become a part thereof on application made or written consent given to the city council by the owner or owners of the land, or as the case may be, by a majority of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds in an ordinance accepting, assenting and adding the same to the municipal corporation, and thereafter the inhabitants of such added territory shall in all respects be on an equal footing with the inhabitants of the original municipal territory.

Sec. 3. **Platting of Property.**—That should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the City Engineer a correct map of same; provided, that in no case shall the City of Denison be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall by such act become the property of the City of Denison for use as public highways, and shall be cared for as such.

ARTICLE II.

Section 1. **Corporate Powers.**—The City of Denison, made a body politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all our courts and places and in all matters whatever may take, hold and purchase lands as may be needed for the corporate purposes of said city, and may sell any real estate or personal property owned by it, perform and render all public

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services, and, when deemed expedient, may condemn property within or without the City of Denison for public uses, purposes and utilities, and may hold, manage, and control the same; such condemnation proceedings to be governed and controlled by the state law now in force in reference to the condemnation of the right of way of railroad companies and the assessment of damages therefor, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said city as a corporation not in conflict with the provisions of this act, and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city and herein granted and conferred.

Sec. 2. **Corporate Power—How Vested and Exercised.**—The corporate powers and duties of said city shall, except as herein otherwise directed, be vested in and exercised by and under the direction of a mayor and board of two aldermen from the city at large, who shall be elected and hold their offices as herein provided, and who shall compose the City Council of said city.

Sec. 3. **Powers of Ordinance.**—The City of Denison shall have power to enact and to enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order and security of the city and its inhabitants, to protect the lives, health and property of the inhabitants of said city, and to enact and enforce any and all ordinances upon any subject; provided, that no ordinance shall be enacted inconsistent with the laws of the State of Texas, or inconsistent with the provisions of this act; and provided, further, that the specifications of particular powers shall never be construed as a limitation upon the general powers herein granted; it being intended by this act to grant to and bestow upon the inhabitants of the City of Denison full power of self government and it shall have and exercise all powers of municipal government not prohibited to it by this Charter or by some general law of the State of Texas, or by the provisions of the Constitution of the State of Texas.

Sec. 4. **Real Estate, Etc., Owned by City.**—All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, market houses, school houses, fire engine stations, public squares, parks, streets, alleys, and all property of whatever kind, character and description which has been granted, donated, purchased, or otherwise acquired by the City of Denison, through any means or agency, and all causes of action, choses in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said City of Denison for public uses or in trust for the public shall vest in and inure to, the said corporation, the City of Denison, under this act, and all suits and pending actions to which the City of Denison heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

Sec. 5. **Street Power and Service.**—The City of Denison shall have and exercise exclusive power and control over the streets, avenues, alleys, highways, crossings and public grounds within the city and the council shall have power to abate and remove all encroachments and obstructions thereon; to open, alter, abolish, widen, extend, establish, regulate, grade, pave, macadamize, drain, clean or otherwise improve said streets, avenues, alleys, highways, crossings, etc., and to protect the same from all encroachment and injury of every kind whatsoever, and,

Sec. 6. **Street Service.**—To cause all able-bodied male inhabitants, over 21 years of age and under 45, and who are not exempt from public road service by State law and who have resided within the city for 60 days, to work two days on the streets, alleys and avenues of said city

in one calendar year, or, to furnish an able-bodied substitute, or pay $2.00 in lieu thereof.

Sec. 7. **To Regulate Street and All Railway Companies.**—The City of Denison shall have the power by ordinance or otherwise to regulate the speed of engines, locomotives, cars, street cars and railway trains within the corporate limits of Denison and to require all railway and street railway companies to keep the streets over which their line or lines may run, properly drained and to light the same wherever deemed by the City Council necessary, and to require all railway and street railway companies to construct and keep in repair from curb to curb bridges and crossings over all the ditches dug by said companies, or natural drains, waterways and openings over which the lines of said companies are run, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets over which they run; to direct and control the laying and construction of railroad tracks, turnouts and switches, and to regulate the grade of same, and to require them to conform to the grade of the streets of said city as they may be or are now established, and that said tracks, turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets.

Sec. 8. **Paving, Grading and Draining.**—The City of Denison shall have power by ordinance or otherwise to require all railways and street railways using any portion of the streets of the city to pay all or any part of the grading, paving, draining and repair thereof along the street so used by such railway, and to light the same whenever and wherever deemed necessary or advisable.

Sec. 9. **Lien for Improvements.**—The City of Denison shall have power by ordinance or otherwise to require all railway companies to pay the cost of grading, paving, repairing, or repaving or otherwise improving that part of the street or streets or intersections thereof within the city used or occupied by said companies and such cost shall be a lien upon the property and franchises of such companies. The portion of the street occupied by a street railway shall be deemed to be the space between its tracks and twelve inches on the outside of its rails, and all space between its double tracks, turnouts and switches.

Sec. 10. **Liens.**—Any railroad company or street railway company proposing, with the permission of the Council, to occupy any street or streets already occupied by any other such company, shall, besides paying for paving as may be required by the City Council or by the provisions of this act, be required also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road, and such cost shall be a lien upon the property and franchises of the company.

Sec. 11. **Liability.**—Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this act, it shall become liable for the portion of the cost of such improvement as the City Council may direct, or as is fixed by this act.

Sec. 12. **Transfers.**—The City Council shall have power by ordinance to require any street car or electric railway company, or other person or corporation operating street cars in, into or through the City of Denison, to issue to its passengers transfers from any of its lines to any other lines within the city, upon the payment by said passenger of the cash fare or rate prescribed for one continuous passage within the city.

Sec. 13. **Rates and Charges.**—To fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the city shall for one fare give a transfer from any

of its lines to any other line in the city, whether such other line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have the right by mandamus or other proper remedy in any court of competent jurisdiction to enforce any ordinance requiring the giving of transfers by any street railway company; and in addition thereto the City of Denison may recover of the street railway company the sum of twenty-five dollars as penalty and liquidated damages for each and every failure to give a transfer.

It shall be unlawful to continue, amend or extend any street railroad franchise, without binding any such railroad to give universal transfers, within the city, under provision to be fixed by general ordinance.

Sec. 14. **To Regulate Rates of Public Utilities.**—The City Council shall have the power, by ordinance, to fix and regulate reasonable rates to be charged by persons or corporations engaged in furnishing water, ice, gas, electricity, telephones, lights of every kind, and all other services to the public, such as fares, tolls, hacks, telephones and all carriers of freight, passengers and baggage, and of all public utilities of every kind, except in those cases in which the city may itself be interested in the rates to be fixed, or regulated as a customer or consumer, and in such cases the rates may be fixed and regulated under, and in accordance with the Act of the Legislature of this State, approved on the 17th day of April, A. D., 1905, and entitled an act to provide a method by which City Councils of cities and towns, incorporated under the general or special laws of this State, may secure the regulation of the rates to be charged by public utility corporations engaged in supplying water, gas, telephones and sewerage to the public, conferring upon District Courts the power to regulate the rates of such corporations, defining such corporations, providing penalties of all violations of the act and declaring an emergency.

Sec. 15. **Own Public Utilities.**—Denison may buy or construct, own, maintain and operate a system of waterworks, lighting and power plants, street cars and lines of sewers, and it shall be its duty to regulate, care for, dispose of, or, require the disposal of, sewerage, waste and surface water, offal, garbage and other refuse matter and to make rules and regulations governing the same, and prescribe penalties for violation thereof; and power to contract with persons, firms and corporations for supplying the city and the inhabitants thereof with water, lights, electric or other power, sewers, and all other kinds of public service and to agree upon rates to be paid therefor.

Sec. 16. **Fires.**—The City of Denison shall have the power to provide by ordinance for the prevention of fires, and by ordinance or otherwise, means for protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of the fire department, and for the purpose of guarding against the calamity of fire, may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits in said city as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fireproof material, the kind, character, extent and quality of which buildings and material may by ordinance be prescribed and fixed, and may prohibit the repairing of wooden buildings in fire limits when the same shall have been damaged by any cause to within fifty per cent. of the value thereof, and may prescribe the

manner of finding such damages, and may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such a manner as the Council may prescribe, and may declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or which may cause or promote fires, to be nuisances, and may require and cause the same to be removed in such manner as may be prescribed at the expense of the owner, and by ordinance may further prescribe limits within which only a fireproof roofing may be used, and may impose a penalty for violations of such rules and regulations.

Sec. 17. **Markets.**—Said City shall have power to establish, lease, maintain, regulate, and operate markets and market places, and abbatoirs and to build, own and maintain buildings therefor, and to rent and lease the same.

Sec. 18. **Charities and Corrections.**—The City shall have power to establish, maintain and regulate the city prison, or city prisons, work houses, rock piles and other means of punishment for vagrants, city convicts, and disorderly persons, houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or vicious parents, or parents who wilfully and grossly neglect them, and such other places of incarceration and reformatory institutions, and such hospitals, orphanages and charitable institutions as it may deem expedient; provided, however, that no gratuity that is purely personal, and no pension shall ever be granted to any individual, and no money of the city shall be paid out except for personal services rendered, and for the other purposes specified or authorized by this act.

Sec. 19. **Fines and Penalties and Debts.**—The by-laws and ordinances of the City shall not provide a smaller penalty than is prescribed for a like offense by the laws of the State, and all fines, penalties and cost accruing in and through the Corporation Court shall belong to and be the property of the City.

The City Council may provide by ordinance for the commutation of fines imposed, by labor in a work house or on a rock pile, or upon the public streets and public ways of the City of Denison, and for the collection of any fine imposed execution may be enforced as other execution issued in civil causes, and by a two-thirds vote of the Council any fine, penalty or debt due the city may be remitted in part or in whole.

Sec. 20. **Corporation Court.**—There shall be a court for the trial of misdemeanor offenses known as the "Corporation Court," with such powers and duties as are defined and prescribed in an act of the Legislature of the State of Texas, and any acts amendatory thereof, entitled, "An Act to Establish and Create in Each of the Cities, Towns, and Villages of this State a State Court, to be known as the 'Corporation Court,' in each city, town, or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts;" said act having been presented to the Governor of Texas March 15th, and not having been by him disapproved.

The magistrate of said court shall be known as the "Judge of the Corporation Court," whc shall be a qualified voter, and shall be appointed by the Mayor and confirmed by the City Council, and shall hold his office for two years unless sooner removed by the Mayor and City Council and shall receive such salary as may be fixed by ordinance.

There shall be a clerk or clerks of said court, with such deputies as may be created or provided by ordinance by the City Council, who shall be appointed by the Mayor, and shall be subject to removal at any time by the Mayor or the City Council, and shall receive such salary as may be fixed by the City Council.

The clerk or clerks of said court, and the deputies thereof, shall

have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally to do and perform all things and acts usually, or necessary to be performed by clerks of courts in issuing process of said courts and conducting the business thereof.

The City Council may require such clerk, clerks, or deputies created by it to perform such other duties, in addition to the duties of the clerk or deputy clerk, as may be prescribed, or may provide that some other persons, in addition to other duties, may perform the duties of a clerk or deputy clerk, without extra compensation.

Sec. 21. **Schools.—The City of Denison an Independent School District.**—The City of Denison shall constitute an independent school district, subject to the general school laws of the State, except where in conflict with this act, and the city shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.

All laws and parts of laws now in force with reference to the public schools of Denison under the State law and under the provisions of the Charter granted to Denison by the Legislature in 1891 and the amendments thereto, except as herein provided, shall be and remain unchanged.

School Trustees—How Appointed, Terms of Office, Etc.—The trustees to constitute the school board of said city shall hereafter be appointed by the Mayor, and confirmed by the Council, but the trustees now in office shall continue to serve till the expiration of their respective terms; and all vacancies caused by death, resignation, or other cause, shall be filled by appointment in the same manner for the unexpired term. The regular term of members of the school board shall be two years, and the regular appointment of members shall be made at the first meeting of the Council in May of each year, or as soon thereafter as practicable, and the necessary number of trustees shall be appointed to take the places of those whose terms have expired.

Sec. 22. **Burial Grounds, Crematories and Cemeteries.**—The City Council shall have power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits if deemed advisable, or if necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the city, and when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be re-interred in a suitable place to be provided by the city, at its expense, and whenever advisable, the city may condemn the land proposed to be used for the re-interring of bodies, in the same manner as in condemnation suits of railway companies, and use such condemned ground formerly used for cemeteries, for such purposes as may best subserve the interest of the city.

Sec. 23. **Police Power.**—The City of Denison shall have the power to establish and maintain a police department, to prescribe and fix the duties of all officers, members and employes of the department; and the police power shall include the public health, public highways and all public property and public service and public utilities and all policemen shall be sanitary policemen as well as peace officers and the police power of said City shall extend to and include the peace, good order, security and public welfare of said City.

The City Council shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city such reasonable charges for the removal of night soil or other refuse matter from the closets of the premises thereof, and to prohibit anyone except someone in the employ of the city, or by the city authorized to do so, from removing or carrying away the contents of any privy, vault

or water closet, or any receptacle of human excrement, and the city shall have the right to have inspected the premises of all persons at any time in the interest of the public health, and for the purpose of making said inspection, the officers or agents of the city duly authorized to do so, shall have a right to enter upon the premises of any person at any hour during the day time to make said inspection. Whenever notice is given by any officer or employe of the city inspecting any premises that said premises need cleaning the said night soil or other refuse matter shall be removed, and the owner or tenant of said premises shall pay the city the price prescribed therefor and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the Corporation Court, in any sum not less than one dollar nor more than two hundred dollars.

To prevent any person from bringing, depositing or having within the limits of said city any dead carcasses or any offensive or unwholesome substances or matters, and to require the removal or destruction by any person who shall have placed upon or near his premises or elsewhere any substance or matter, filth or unsound beef, pork or fish, or hides and skins of any kind, require the owner of any dead animal to remove same to such place as may be designated.

The City Council shall also have the power to pass ordinances authorizing the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or dangerous disease, when in the discretion of the City Council the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said city.

The City Council shall have power and authority to make all needful and necessary regulations in regard to butchers and persons selling meats, farm products, fish, vegetables and fruit, and all food stuffs, and to require the same to be inspected and condemned if not found wholesome, and to provide penalties for violation thereof.

To permit, forbid or regulate theaters, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety or good morals may demand.

Sec. 24. **General Police Power.**—To regulate dramshops, drinking saloons and other places where intoxicating liquors are sold, and to close variety theaters when necessary, expedient or advisable.

To prohibit and punish keepers and inmates of bawdy houses and variety shows; to prevent and suppress assignation houses and houses of ill fame, and to regulate, colonize and segregate the same, and to determine such inmates and keepers to be vagrants, and provide for the punishment of such persons.

To inspect weights and measures, fix standards of weights and measures, and to fix penalties for not using or conforming to the same, and to provide that inspection fees may be fixed by ordinance.

To make all needful and proper regulations concerning keepers of tavern and grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, and other vehicles, and especially to presrve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depots.

To prevent extortion by carriers of passengers or baggage, hacks, drays and public conveyances, by establishing maximum rates of charges and providing penalties for violation thereof.

To provide and fix by ordinance public stands where hacks and

drays, baggage wagons, or other public carriers shall stand on the streets of said city for the purpose of soliciting business, and to prescribe that they shall not stand, except when receiving or discharging passengers or freight, at any points other than those designated in the ordinance as public stands.

To suppress gambling houses, and to punish keepers of gambling houses and pool sellers, and all persons who play cards or games of chance of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings or lotteries.

To provide for the regulation of bakers and to prescribe the weight, quality and price for bread manufactured or sold in the City of Denison, according to the price of the material or otherwise, and to provide for the inspection of milch cattle, whether kept within the city or without the city limits, from which milk is sold within the city, and to provide for the inspection of the milk offered for sale, and to prescribe the fees to be charged therefor.

To establish and regulate public pounds and to regulate and restrain and prohibit the running at large or horses, mules, cattle, sheep, swine, goats, geese, barnyard fowls, and pigeons, and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinances regulating or prohibiting the same.

To tax, regulate, restrain and prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

To prohibit, restrain or regulate the rolling of hoops; the flying of kites and firing of fire crackers; the use of velocipedes and bicycles, and the use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses and teams.

To restrain and prohibit the ringing of bells or blowing or horns, bugles and whistles, crying of goods, and all other noises, practices and performances tending to the collection of persons in the streets or sidewalks by auctioneers and others for the purpose of business, amusement or otherwise.

To prohibit mendicants, beggars or persons of infirm or maimed bodies, or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of said city, and to prescribe a penalty by fine for a non-observance thereof.

To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives within the city limits, and to regulate the speed thereof.

To regulate and control the driving of cattle, horses and all other animals into or through the city.

To prevent all trespasses and breaches of peace and good order, assault and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors, and all disorderly conduct and punish all persons thus offending.

To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

The City Council shall have power to require, on due notice, all steam or street railway companies owning tracks within the city limits, upon the public streets or highways of said city, which may have been or may hereafter be abandoned by said companies by nonuse, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to the proper grade.

To prohibit, prevent and suppress horse racing, immoderate riding and driving in the streets of said city.

To regulate the use of automobiles and the speed thereof.

To prohibit and punish the abusers of animals.

To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

To restrain and punish vagrants, mendicants, beggars and prostitutes.

To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof.

Sec. 25. **Franchises.**—The right to control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City of Denison, its avenues, parks, bridges and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the City Council and approved by the Mayor; and no grant of franchise, or lease, or right to use the same, either on, along, through, across, under or over the same by any private corporation, association or individual, shall be granted by the City Council unless submitted to the vote of the legally qualified voters of said city, provided, however, that application is made for any grant of franchise, lease, right or privilege in or to the streets and public thoroughfares of the City of Denison by any person or corporation, the Council shall submit the same at an election called for said purpose, the expense of which shall be borne by the applicant for said franchise, and at said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same at said election; provided, however, that no grant shall be made or authorized for a longer period than thirty years.

The City Council may also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the City of Denison, to an election, at which the people shall vote upon the propositions therein submitted; the expense of which election shall be paid by the applicant or applicants therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the Council, nor shall any such franchise, grant, right of easement ever be made to any private individual, corporation, or association, unless it provides for adequate compensation or consideration therefor, to be paid to the City of Denison, and in addition to any other form of compensation, grantee shall pay annually such a fixed charge as may be prescribed in the franchise. Such grant under and any contract in pursuance thereof shall provide that upon the termination of the grant, the grant, as well as the property, if any, of the grantee, in the streets, avenues and other public places, shall thereupon, without other or further compensation to the grantee, or upon the payment of a fair valuation therefor (the mode of ascertaining which shall be determined in the grant), be and become the property of the City of Denison, and the grantee shall never be entitled to any payment or valuation because of any value derived from the franchise or the fact that it is or may be a going concern, duly installed and operated.

Every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and to maintain the property in good order throughout the life of the grant.

The City Council may also inspect and examine, or cause to be inspected and examined at all reasonable hours, any books of account

of such grantee, which books of account shall be kept and such reports made in accordance with the forms and methods prescribed by the City Council, which as far as practicable, shall be uniform for all such grantees.

Sec. 26. **Referendum.**—Whenever application is made to the City Council of the City of Denison for any such grant or franchise, lease or right to use the streets, public highways, thoroughfares or public property of the City of Denison, as is provided for in the preceding section of this act, or whenever an ordinance is introduced in the City Council proposing to make the grant of any franchise, lease or right to use the public highways, streets, thoroughfares and public property of the City of Denison, publication of said ordinance of such proposed grant or right to use the streets, public thoroughfares and highways of said city shall be made by publishing the ordinance as finally proposed to be passed, which shall not thereafter be changed, unless again republished, setting forth in detail all the rights, powers and privileges granted or proposed to be granted, in some daily newspaper published in the City of Denison, once a week for three consecutive weeks, which publication shall be made at the expense of the applicant or the person or persons desiring said grant, and no such grant shall be made, or ordinance passed, until after publication in the manner aforesaid, or shall any such ordinance confirming or making any such grant, lease or right to use the streets, public highways and thoroughfares of the City of Denison take effect or become a law or contract, or vest any right in the applicants therefor, until after the expiration of thirty days after said ordinance has been duly passed by the City Council and been approved by the Mayor.

Pending the passage of any such ordinance or during the time intervening between its final passage and approval by the Mayor, and the expiration of the thirty days before which time it shall not take effect, it is hereby made the duty of the City Council to order an election, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in detail by the ordinance conferring the rights and privileges upon the applicants therefor, and if at said election the majority of the votes cast shall be for said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and the making of said grant, said ordinance shall not pass, nor shall it confer any rights, powers, or privileges of any kind whatever upon the applicants therefor, and it shall be the duty of the City Council, after canvassing the vote of said election, to pass an ordinance repealing the ordinance which has been by it passed, if the same has been passed.

No grant of franchise, or lease or right of user, in, upon, along, through, under or over the public streets, highways or public thoroughfares of the City of Denison shall be made or given, nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the City Council, nor shall any extension or enlargement or amendment of any rights or powers previously granted to any corporation, person or association of persons, in, upon, along, through, under or over the streets of the City of Denison be made, except in the manner and subject to all of the conditions herein provided for in this act for the making of original grants and franchises, provided, however, that the provisions of this section shall not apply to the granting of sidetrack or switch privileges to railway companies for the purpose of reaching, and affording railway connection and switch privileges to the owners or users of any industrial plants; it being the intention to permit the City Council to grant such

rights or privileges to railway companies whenever in their judgment the same is expedient, necessary or advisable.

Sec. 27. **Right to Examine the Books of the Grantees of Public Franchises.**—The City of Denison shall have the right to regulate the rates, fares, tolls and charges to be collected from the public by any holders, owners, operators, persons or incorporations enjoying any grants or franchises from the City of Denison, pertaining to public utilities, including furnishing of lights, water, telephones and street car services, etc., pertaining to a public or quasi public duty, as hereinbefore provided, and the right and authority is hereby given to the Mayor or the City Council to require the City Secretary or such other officer or employe as may be designated, to examine, carefully inspect all the books, accounts, papers, and documents, as well as the property of such persons or corporations using and enjoying any of said grants or franchises from the City of Denison as above stated, and to make such reports of said examination as required by the Mayor or City Council, when deemed necessary, for the following purposes:

1. When such franchise or grant was made upon the consideration and agreement that the City of Denison should receive a per cent. or portion of the revenue derived from the use of said grant or franchise.

2. When the persons or corporations above referred to have listed their property for taxation at a valuation deemed by the City Council or the Mayor to be below its actual value, or fails to list the same for taxation.

3. When the City Council desires to fix the rates, fares, tolls, and charges which said persons or corporations above described shall charge the public for water, lights, transportation, or other services rendered or furnished under the franchises granted to it or them by the City of Denison, and the information is desired or deemed necessary by the Mayor or the City Council as a basis upon which to fix a proper rate.

4. When the Mayor or City Council have directed the individuals or corporations above specified to extend their lines and services, or to improve their service in any manner necessary for the public comfort and convenience, or to make improvements and betterments of their property, and such persons or corporations demur thereto on the ground that the income from their property used under said franchise is not sufficient to justify the same.

5. Such examinations and reports provided for in this section are for the purpose of ascertaining the value of the property and the income derived from it, and the reasonable expense for its operation.

6. No rate or charge however, shall be fixed under this provision unless the public utility corporation, interested therein, shall have notice of said contemplated action and shall have an opportunity to appear and be heard.

Sec. 28. **Contracts for Services.**—No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts involving a personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city.

Nor shall the City of Denison or any one acting for it make any contract for supplies for the current use of any department of the municipality for a longer period than ninety days, and so far as practicable. all supplies purchased for the use of any or all of the departments of said city shall be made or let upon competing prices therefor.

No contract shall be entered into until after an appropriation has been made therefor, nor in excess of the amount appropriated and all contracts, whenever practicable, shall be made upon specifications, and no contract shall be binding upon the city, unless it has been signed by

the Mayor and the expense thereof charged to the proper appropriation, and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed by the Mayor.

All contracts, of whatever character, pertaining to public improvement, or the maintenance of public property of said city, involving an outlay of as much as two hundred and fifty dollars ($250.00) shall be based upon specifications to be prepared and submitted to and approved by the Mayor and City Council, and after approval by the Mayor and City Council, advertisement for the proposed work or matters embraced in said proposed contract, shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall be put in a daily newspaper not less than ten times. All bids submitted shall be sealed, shall be opened by the Mayor in the presence of a majority of the aldermen, and shall remain on file in the Mayor's office and be open to public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The Council shall determine the most advantageous bid for the city, and shall enter into contract with the party submitting the lowest secure bid, but shall always, in every advertisement of public work or contract involving as much as two hundred and fifty dollars, reserve the right to reject any and all bids. Pending the advertisement of the work or contract proposed specifications therefor shall be on file in the office of the Mayor, subject to the inspection of all parties desiring to bid; provided, that the City Council, may when in its judgment the interest of the city demands it, do and perform said work and make said improvements by day labor, (1911).

Sec. 29. **Bonds.**—The Council shall require good and sufficient bonds of all contractors, with at least two good and sufficient sureties who shall be residents of the State of Texas. No non-residents of the State shall ever be received as surety on any bond payable to the City of Denison, except such guaranty companies as may be satisfactory to the City Council. When bondsmen are not residents of Grayson County, such proof of their solvency may be required as the Council may deem necessary.

Sec. 30. **No Liens.**—No lien can ever exist against the public school buildings, public halls or public property of the City of Denison. All sub-contractors, material men, mechanics and laborers upon any of the public works of the City of Denison are hereby required to notify the city of all claims they may have on account of such work against said city, and when such notice has been given, the city shall retain an amount from any funds due the contractor sufficient to satisfy all such claims; provided, that such notice may be given at any time after such indebtedness becomes due, and before final settlement; and provided further, that no contractor or sub-contractor shall issue any time checks on any public works of said city.

Sec. 31. **Fees.**—Within its corporate limits, the City of Denison shall be the local agent of the State government for the enforcement of the State laws, in all cases wherein the Corporation Court of the City of Denison has jurisdiction, and all fines or penalties imposed by said court, including all costs incident thereto, and assessed against parties so fined, are by this act declared to be due and owing to and shall be payable to the City of Denison, and in all cases where fees are allowed, the officers making the arrest, or the attorneys prosecuting said causes in said Corporation Court, said fees shall be payable to, and shall hereby become due and owing to the City of Denison.

And the City of Denison shall by ordinance prescribe that no officer or employe in the service of the City of Denison shall receive any fees, rewards, or perquisites accruing from any service performed in any

manner whatsoever, in connection with said city, whether authorized by the general laws of the State or otherwise, but in addition may prescribe by ordinance that said fees, which may be collectable by said officers under the State law, shall become the property of, and shall be payable to the City of Denison, and a failure on the part of any officer or employe to collect said fees when collectable, and to pay the same over to the City of Denison, shall be deemed a malfeasance in office, and said officer shall be removed.

Sec. 32. **Sidewalks.**—The City of Denison may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting on their land or property, and may prescribe the character of such sidewalk, and the manner in which it shall be laid. Should any person or corporation owning land in the City of Denison fail or refuse to construct sidewalks in front of or abuttign on, their property, in accordance with the ordinance passed by the City of Denison, in addition to the penalty provided for herein, the City of Denison shall have the right to have said sidewalks constructed in accordance with such ordinance at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount for the costs and expense in constructing said sidewalks, with ten per cent. additional for attorney's fees. The Council may also, by ordinance, provide that the city shall not pave with brick, asphalt, stone or gravel, any street unless and until the owners of abutting property shall previously lay in the manner as may be prescribed by the city a curb and sidewalk thereon.

Sec. 33. **Vestibule Cars.**—The City Council may, by ordinance, duly passed, require any street car company operating its lines or cars within or into the City of Denison, to equip its cars with vestibules of such pattern and style, and during such period of the year, as may be prescribed by ordinance.

The city shall also have the right and power, by ordinance duly passed, to require any street railway company operating its cars or lines within the limits of the City of Denison, to equip its cars with fenders of such style, design or pattern, as may be prescribed by the City Council, and to run closed cars in the months of December, January or February of each year.

Sec. 34. **Plumbing.**—The City of Denison shall have power to regulate and control and direct the laying, fitting and construction of all plumbing within the city, to make and enforce rules and standards of workmanship and to require bonds of all persons, firms and corporations engaging in said business in Denison and to enforce the power herein granted by proper pains and penalties.

Sec. 35. **Depository for the Funds of the City of Denison, Texas.**—It shall be the duty of the City Council, at its first regular meeting in the month of July, 1911, and annually thereafter, to receive sealed proposals for the custody of the city funds from any banking corporation, association or individual banker doing business within the City of Denison that may desire to be selected as the depository of the funds of the City. The school funds, from whatever source derived, are part of the city funds and are subject to the provisions of this act. Notice that such bids will be received shall be published by the City Secretary not less than one nor more than four weeks before such meeting, in some newspaper published in the City of Denison.

Any banking corporation, association or individual banker doing business in the City of Denison desiring to bid shall deliver to the City Secretary on or before the day of such meeting designated by said published notice, a sealed proposal stating the rate per cent. upon daily balances that said banking corporation, association or individual banker offers to pay to the City of Denison for the privilege of being made the

depository of the funds of the city for the year next following the date of such meeting. All such proposals shall be securely kept by the Secretary and shall not be opened until the meeting of the City Council for the purpose of passing upon same, nor shall any other proposals be received after they shall have been opened. It shall be a misdemeanor for the City Secretary or other person to open any of said proposals or to disclose, directly or indirectly the amount of any such bid to any person or persons before the selection of such depository, and upon conviction he shall be fined in the sum of not less than ten nor more than one hundred dollars.

The banking corporation, association or individual banker whose proposal shall be accepted shall within ten days, after being officially notified thereof, file with the Mayor a good and sufficient bond with not less than five solvent sureties thereon, to be approved by the City Council in such sum as said City Council may require, to approximate in amount the total estimate funds that may be in its or his possession at any one time, but said bond shall in no event be for less amount than sixty thousand ($60,000.00) dollars. Upon the filing and acceptance or approval of said bonds, the said banking corporation, association or individual banker shall thereafter, for the term of one year, be designated and known as the City Depository of the City of Denison, subject, however, to such rules and regulations regarding its connection with the city administration in such capacity as may be prescribed by the Mayor or the Council. Provided, that at any time the funds in the city depository shall exceed the amount of its bonds, the City Council shall require an additional bond to be executed in such sum as may be deemed requisite and necessary to fully protect the interests of the city, and, in the event of the failure or refusal from any cause, on the part of the said "City Depository" to execute and file such additional bonds, within ten days after being notified so to do, the City Council shall thereupon withdraw from said depository all funds in excess of the amount of the approved bond then on file and shall deposit such surplus in any other financial institution in said city which will give a good and sufficient bond to indemnify the city for the amount of the deposit so made, subject to the approval of the City Council.

All funds collected by any and every official authorized or empowered to collect money on behalf of the City of Denison shall be deposited in such city depository on the same day that it is collected or received by such official; provided, that any funds collected after banking hours in any day or on a holiday when such city depository shall not be opened for the transaction of business, may be deposited on the following business day. It shall be a misdemeanor for any official to fail to deposit in the depository all funds collected by him on the day of their collection, and upon conviction he shall be fined in a sum not less than ten nor more than one hudred dollars.

ARTICLE III.

Section 1. **Taxation.**—The City Council shall have power, and it is hereby authorized to levy annually for general purposes and for the purpose of paying the interest and providing the sinking fund on the outstanding bonded indebtedness of the City of Deinson, and for paying the interest and making provision for the sinking fund on such future bond issues as may be authorized and for the maintenance of the public schools of the city as now provided by law, an ad valorem tax on all real, personal and mixed property within the territorial limits of said city, and upon all franchises granted by the city to any individuals or corporations, of not exceeding a total tax of one and a half dollars on the one hundred dollars appraised valuation of said property, except that an additional tax of not exceeding twenty-five cents on the one

hundred dollars valuation may be levied on property in improvement districts for sidewalk improvements, if authorized as hereinafter provided in Section 16, Article IX; provided, however, that public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools) and institutions of purely public charity, are hereby declared to be exempt from taxation; and provided, further, that two hundred and fifty dollars ($250.00) worth of household and kitchen furniture belonging to each family in said city shall likewise be exempt from taxation; provided, however, that upon a majority vote of the property owning, tax paying voters of the city an additional tax of fifty cents on the one hundred dollars valuation may be voted for two years for any purpose for which a petition of 300 property tax paying voters may petition and for which the Council may call an election.

And if for any cause the City Council shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then, in that event, the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the City Council may fail to pass a tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of the tax for that year.

The City Council may also determine and provide when taxes shall be due and payable by corporations or individual corporators and all persons owning property, and prescribe penalties for the non-payment of taxes upon the expiration of the time fixed by the City Council declaring when the same shall be paid.

The City Council may also levy, assess and collect from each male citizen of the city, over the age of twenty-one and under the age of sixty years, an annual poll tax of one dollar ($1.00) provided, however, that all persons exempt from the payment of the State poll tax under the general laws of the State, or by virtue of the Constitution, shall be exempt from the payment of the city poll tax.

Said City shall have power by ordinance duly passed to exempt from municipal taxation for a period not exceeding six years factories and industrial plants, under such conditions as the Council may require.

Sec. 2. All real, personal and mixed property held, owned or situated in the City of Denison, shall be liable for all taxes due by the owners thereof, including taxes on real estate, franchises, personal and mixed property, and poll taxes.

All personal property may be levied upon, seized and sold by the Assessor and Collector of Taxes, or such other officer as may be designated by the City Council, for any taxes that may be due by the owner thereof, without further warrant of authority than the production of his tax roll, which sale when made shall convey a prima facie title to the purchaser thereof; or the amount of the tax due by any person upon any species of property may be sued for in any court having jurisdiction, and a personal judgment may be recovered against any delinquent tax payer or against any person to whom personal property on which the city tax is due has been sold, or who owns, holds or claims possession of said personal property.

Sec. 3. The tax levied by the city is hereby declared to be a lien, charge and encumbrance on the property for which the tax is due, which lien, charge and encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on

which the tax is due, not only as against any resident of this State, or person whose residence is unknown, but also against the unknown heirs of any person who owns the property on which the tax is due, and against non-residents.

All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any court having jurisdiction.

Sec. 4. It shall be the duty of every person owning or holding property in the City of Denison to render under oath to the Assessor and Collector of Taxes, or such other officer as may be provided for by ordinance, at his office in said city annually, within the time prescribed by the ordinance of said city, a full and complete inventory of all property so owned or held by him, whether real, personal or mixed, and to take and subscribe to an oath to the correctness of such inventory, which oath may be administered by the Assessor and Collector, or such other officer as aforesaid, acting in person or by deputy. All property, real, personal or mixed, except such as is herein expressly exempted, is subject to taxation, and the same shall be rendered and listed in the manner prescribed by the general laws of the State in regard to general taxation when applicable, unless provision is otherwise specially made therefor herein.

The definition of property and terms as defined by the general laws of the State under the head of taxation, shall apply to the taxation of this city, and all property subject to taxation as prescribed by the general laws of this State, except as herein specially exempted, shall be subject to taxation by the City of Denison.

Sec. 4a. It shall also be the duty of every person owning or holding any stocks of merchandise in the City of Denison and which are removed to the City of Denison after January 1st of each year and upon which taxes have not been paid in any other city or county for said year to render under oath to the Assessor and Collector of taxes or such other officer as may be provided for by ordinance, within the time prescribed by ordinance of said city, a full and complete inventory of said stock of merchandise so owned or held by him and take and subscribe to a oath to the correctness of such inventory, which oath may be administered by the Assessor and Collector or such other officer as aforesaid acting in person or by deputy.

Such stock of merchandise shall be rendered and listed in the manner prescribed by the law of this State and this Charter in regard to general taxation.

Sec. 5. The City Council shall have full power to, and may by ordinance, provide for the prompt collection of all taxes levied, assessed and due, or becoming due to said city, and to prescribe when property shall be assessed or rendered for taxes, and when the taxes thereon shall become due and payable, and to that end may and shall make such provisions as are necessary covering the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the method and manner of making out tax lists and inventories, and the appraisement of property thereon, and to prescribe an oath that shall be administered to each person, on such rendition of the property and to fix the duties and define the power of the Assessor and Collector of Taxes, or such other officer or person as may be designated therefor by the City Council.

All taxes shall be payable at the office of the Assessor and Collector, or such other officer as the City Council may prescribe, and no demand for payment thereof shall be requisite or necessary to enforce the collection thereof by any of the proceedings herein prescribed, nor for the collection of any taxes due before the passage of this act.

All property which the owner thereof may fail or refuse to inven-

tory, render and assess, or which the owner thereof may have failed or refused to inventory, assess and render for years prior to the passage of this act, shall be by the Assessor and Collector of Taxes, or such officer designated by the City Council, inventoried, assessed and rendered for taxes for the year or years for which the same was not so rendered, inventoried or assessed by the owner thereof, and the Assessor and Collector, or such other officer designated by the City Council shall have the right, and it shall be his duty at any time to revise, correct and reassess, and properly describe any property incorrectly rendered or assessed, or imperfectly described, for any year, without the necessity of giving notice to the owner thereof; provided, however, that the valuation as fixed by the board of appraisers shall not be changed, and such inventory and assessment when revised or corrected shall be as valid and effective as if the assessment sheets or tax rolls had been duly rendered and assessed by the owners thereof for the year for which rendered, assessed and inventoried as above provided by the Assessor and Collector of Taxes, or such other officer as may be designated by the City Council, and said tax rolls and assessment sheets shall be prima facie evidence that said property was regularly and duly rendered, inventoried and assessed and properly described in all respects as if done duly and regularly by the owner in the first instance, provided, however, that if such assessment sheets or tax rolls are vague or indefinite, the City of Denison may show by evidence other than the assessment rolls and tax rolls where the property is located, and on what property the tax is due, who owns the property, and that the taxes on the same are due and unpaid, and shall enforce and foreclose the tax lien on such property, as herein provided.

Sec. 6. That all ad valorem taxes due or becoming due upon real, personal and mixed property, and upon franchises granted by the City of Denison to individuals or corporations, and all excise taxes and occupation taxes, and all fines, forfeitures, penalties and other dues or taxes accruing to the City of Denison shall be collectable and payable only in current money or current funds of the United States.

The City of Denison is hereby given the right to sue for any taxes upon real estate or other property due to it in any court of competent jurisdiction over the amount of taxes due as a debt and to use all lawful and ancillary writs, remedies and processes of garnishment and attachment and other similar processes to collect the said taxes due and to prosecute said suits for judgment without sueing to foreclose any lien whatever and the City of Denison shall not by reason of said suit or process be deemed or held in any way as waiving or abating its lien for said taxes upon said real estate or other property upon which said taxes were levied, neither shall the city by reason of such suit be debarred from filing and prosecuting to judgment such other suits as may be necessary to enforce the payment of taxes either by seeking a foreclosure of the lien of the city or without seeking such foreclosure and it is declared to be the purpose of this provision to give the city power and authority to file as many suits as may be necessary and use all the ancillary writs that may be necessary to enforce the payment and collection of all the taxes which may be due the said city.

Sec. 7. That the City Council shall have the power to assess, license and tax hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows and amusements, circuses, billiard tables, nine and ten pin alleys; alleys with any number of pins, public drays, dram shops, wagons, omnibuses, carriages and automobiles, grog shops, dram shops, beer saloons, whether for the sale of domestic intoxicants or otherwise, and such other trades or occupations not specifically mentioned herein, as are, or may be, taxed or licensed by the laws of this State, but no assessment or license tax levied under this section shall

exceed one-half of the amount levied by the State for the same period on such trade, profession or occupation, and the same may be regulated, levied, and collected in the same manner as said taxes are regulated and collected by the State of Texas.

That all license taxes or occupation taxes shall be paid to the Assessor and Collector of Taxes, or other officer designated therefor by the City Council, by each and every person or firm engaging in any trade, profession, business, calling, avocation or occupation, before engaging therein, and shall take his receipt therefor, which receipt shall be esteemed lawful license for the pursuit of the occupation indicated, and if any person shall engage in any business, calling, avocation or occupation, trade or profession, which by ordinance of said city is subject to a license or occupation tax, without first having obtained said license or occupation tax, he, she or they shall be liable to arrest, imprisonment and a fine to be fixed by ordinance for each and every day such violation may continue, and each day shall constitute a separate offense, and this section shall apply to all persons owning license and failing to pay the same, and the City Council may make such further regulations as it deems necessary to enforce this provision and punish persons violating the same.

Sec. 8. All taxes due by property owners on any and all property from the year 1876 up to and including the year 1907 and for all years intervening, and for all years thereafter, until otherwise provided by charter, as appears upon the tax rolls of said city, may be collected by suit from delinquents and foreclosure of the lien thereon may be had in any court having jurisdiction of the same, and any person who shall purchase or shall have purchased property encumbered with a lien for taxes, or upon which taxes are due, shall be deemed as to such a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he cannot itnerpose any defense which his vendor might not have interposed had he continuel to be the owner, except that no personal judgment shall be rendered for same against said purchaser; provided, however, that any delinquent taxpayer shall have the right to plead in any court and to rely as a defense upon the statute of limitation of four years in any suit brought for taxes alleged to be due the City of Denison, and in no case wherein such limitation is plead and the taxes sued for, or any part thereof, are shown to have been due and payable for four years or more before said suit was instituted, shall judgment be rendered for such taxes so shown to have been due for more than four years; provided further, however, that the defense of limitation shall not apply to any suit which may within one year after the passage of this act be instituted by the City of Denison for the collection of any taxes due for any year from 1876 up to and including the year 1906, nor shall it apply in any case wherein the sale of any property delinquent for taxes has been made under the provisions of this act, nor if such sales shall be made within one year after this act takes effect.

It shall be the duty of the City of Denison, within one year after this act goes into effect, to cause suit to be filed for the collection of all back taxes which have accrued to said city and are due and unpaid for the year 1876, and for each and every year or any and all years intervening, up to and inclusive of the year 1906 and after the expiration of one year from the time this charter goes into effect no suit shall be instituted, nor shall any sale of property be made by the City of Denison or its officers for any taxes which have become due and payable for more than four years prior to the filing of said suit, or the sale of said property by the proper authorities of said city, as provided for in this article. And it shall be the duty of the City of Denison to pass an ordinance imposing a fine of two hundred dollars upon such person

as is or may be employed by said City Council to collect said taxes, who fails to use due diligence in the collection of all such taxes, and such persons so failing to do so, shall at once be discharged from the service of the city, and each and every failure shall be a separate offense and subject the person to such fine for each failure or separate offense.

The City of Denison is hereby expressly authorized to, and has the right to maintain a suit to recover a personal judgment for the amount of any tax due it, accruing from any species of property taxed by it, as well as for license and occupation taxes, and the tax may be collected by sale of the particular property on which it is assessed, by enforcing the lien or by the sale of all or other property under a judgment of court, or by seizure and sale of personal property; provided that when any action is instituted against any person to recover taxes due the city, all the taxes due by such person or persons upon any piece, lot or parcel of property, real or personal, shall be embraced in one suit, whenever the same is legal and practical, and when the same can be done and is not done subsequent to the passage of this act, all taxes for the years antecedent to those for which the taxes are alleged to be due, shall be conclusively presumed to have been paid. And where two or more actions are brought subsequent to the passage of this act, and all the taxes due might legally be or have been embraced in one action, the court shall, on motion of the defendant, or of its own motion, consolidate said actions, and when same is done, the costs shall be paid as in only one action.

In suits for taxes, the proper persons shall be made parties defendant in such suit, shall be served with process and other proceedings had herein, as provided by law for suits of like character in the district courts of this State; and in case of foreclosure, an order of sale shall issue and the land be sold thereunder as in other cases of foreclosure which order of sale shall have all the force and effect of a writ of possession between the parties to the suit and any person claiming under the defendant by any right acquired after the filing of the suit; and the Sheriff or other officer executing such order of sale shall proceed by virtue of same to place the purchaser of the property sold under such order of sale in possession thereof within twenty days as provided by the general laws of Texas, after date of sale, but not before, and such order of sale may direct that the Sheriff or other officer executing such order of sale shall sell the property, either each piece separately, as under execution, or in gross, as the city, through its attorney, may direct; or if the defendant or his attorney shall, at any time before the sale, file, with the Sheriff or any other officer in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tract than the whole, together with the description of said subdivisions, then such officer shall sell the land in said subdivisions, as the defendant may request, and in such case shall only sell as many subdivisions as will satisfy the judgment, the court costs, and all other costs hereinafter specified.

In all cases in which lands have been sold for default in the payment of taxes, it shall be lawful for the Sheriff or other officer selling the same, or any of his successors in office, to make a deed, or deeds to the purchaser, or to any person to whom the purchaser may direct the deed to be made, and such deed shall be held in all courts of law and equity in the State to vest a good and perfect title in the purchaser thereof.

The City Attorney or other officer designated therefor by the City Council shall represent the city in all suits against delinquent taxpayers, and in any and all suits by the City of Denison for the collection of taxes due it there shall be charged in the cost bill in said case when judgment is rendered for the city, five per cent. upon the amount of the

judgment rendered in such cause, which amount shall be taxed as cost against the property upon which the tax is due and unpaid to the city, and in no case after suit has been filed shall a receipt for taxes be given on the property in suit until after the payment of five per cent. attorney's fees as above provided, the cost of the City Assessor and Collector, or such other officer as herein stated, and all court costs.

When judgment has been taken for taxes due on the property in suit, the five per cent. attorney's fees and the other costs above named shall be taxed as costs against the property to be sold under judgment for taxes, and paid out of the proceeds of the sale of the same, together with the taxes and interest due thereon to the city, and the five per cent. taxed as attorney's fees shall be paid to the city.

Sec. 9. For the taxes due on any property for any and all years, for and including the year 1876, up to and inclusive of the year 1906, and for all years intervening, and for all years after the year 1906, until otherwise provided by charter, either the tax rolls or a statement of the taxes due on any property made from said rolls, certified to and signed by the City Assessor and Collector of Taxes of the City of Denison, or such other officer or employee as the City Council may designate, shall be prima facie evidence that the tax on the property is due; that the facts stated therein are true, and that all the prerequisites required by law pertaining to the levying and assessing of taxes and the rendition of the property therefor on which the suit is brought for the taxes due have been complied with.

Sec. 10. All taxes for any current year, except occupation tax and license tax, are hereby declared to become due and payable on the first day of each and every current year, and if not paid by the thirty-first day of December following a penalty of ten per cent. upon amount of the tax due shall be added and paid and interest shall be charged upon the gross amount of the tax and penalty due until paid, at the rate of six per cent. per annum, and in no case shall the City Council or any member of the City Council, or any other officer of the city extend the time for the payment of the taxes or shall any officer of the city remit, discount or compromise any tax legally due the city, nor shall any person be elected Mayor or Alderman of the City of Denison or hold any position, office or employment thereunder who is in arrears or due and owning the City of Denison any sum of money for taxes or otherwise.

Sec. 11. The provision for suit to foreclose the tax lien herein created is but auxiliary to, and cumulative of the city's right to sell property delinquent for taxes, without suit as hereafter provided. After said tax statements have been made out by the Assessor and Collector, or other officer designated therefor by the City Council, and after publication thereof as is herein specified in this article, it shall be the duty of the Assessor and Collector of Taxes, of the City of Denison, or such other officer as may be provided for by ordinance to give notice by publication made in a newspaper published in the City of Denison, and having a general circulation therein, which publication shall be made at least once a week for three consecutive weeks immediately preceding the sale, that he will sell at public outcry in the City of Denison at such place as is designated in said notice each and every piece of property delinquent to the City of Denison for taxes at the time of said sale. Said property shall be sold by separate sales or tracts to the highest bidder at said sale, but the right is hereby reserved to the City Council to confirm or refuse to confirm said sales which shall be reported to it within three days thereafter, and if said sales so made are not confirmed by the City Council, the money so paid to the Assessor and Collector shall be by him refunded to the purchaser at said sale. Said sales may continue from day to day until all of the property so delinquent for taxes shall have been sold. The said Tax Assessor and Collector, or such

other officer as may be designated by the City Council, shall, after said sale is made, make a deed to the purchaser thereof, if sale is confirmed by the City Council, and in such deed he shall recite the fact of the delinquency of the tax, the amount of the tax due, the year or years for which due, the property against which the tax is assessed, the fact of the publication of the delinquent tax roll as is herein set out, the fact of the publication of the notice of sale, the amount bid, and the name of the purchaser. Such deed shall constitute a prima facie title to the property therein described, and said deed shall be prima facie evidence of the truth of all things therein recited, and the holder of said deed shall be considered the holder of a prima facie legal title to said land against all persons whomsoever, and such deeds, when so executed for property sold specified at said sales, shall pass to the purchaser all of the interest and title of the owner thereof, subject to redemption at any time within two years from the date of said sale, upon payment by the owner of the property so sold to the purchaser thereof, of double the amount of the taxes, penalties and costs due on said property; provided that should such sale be for any reason held invalid, the purchaser thereof shall nevertheless have a good and valid lien upon the property so sold for the amount of the taxes due thereon, and such purchaser shall be subrogated to all of the rights of the City of Denison, and shall have the right to foreclose such lien in any court of competent jurisdiction within four years from the date of such sale.

The City of Denison may bid at such sales, and may become the purchaser of any property sold thereat to the extent of the amount of the taxes, interest, penalties and costs due on any particular piece of property, and the city shall further have the right, if said deed shall for any reason be invalid, to maintain a suit to foreclose its tax lien on said property for the amount of the taxes due thereon, at any time.

A failure on the part of the City Assessor and Collector of Taxes, or such other officer or employe as may be designated by the City Council to prepare the delinquent tax roll, or to publish it for the required length of time, or to furnish tax statements to the City Attorney, or a failure on the part of the city to file suits within the proper time for the collection of taxes due, shall in no wise affect the liability of the delinquent taxpayer, nor shall it release the property upon which the tax is due from the operation of the lien, charge or incumbrance herein created, nor shall such failure of any officer or employe of the city in any manner or matter be relied on by way of defense, or be a defense against the payment or the enforcement of the payment by suit or otherwise of the taxes due the city.

In case where the State has instituted suit for taxes, and where taxes are due the city on the same property for the same or other years, the city may have the right to intervene in said suit and have judgment for its taxes to foreclose its lien for said taxes, and in cases where the city has first instituted suit for taxes, the State may have the same right to intervene with foreclosure of its lien.

Sec. 12. Immediately after the first day of January in every year, it shall be the duty of the Assessor and Collector of Taxes, or such other officer or employe as may be designated by the City Council to prepare a roll containing a description of all property described in the assessment rolls of the year just preceding, that is to say, the year ending on the thirty-first day of December preceding on which the taxes have not been paid. Said roll shall be called the Delinquent Roll, and shall consist of so much of the said roll as will identify the property and show the amount of the tax due on the same. During the time that the City Assessor and Collector, or such other officer or employe of the city as may be designated by the City Council, shall be preparing and shall prepare the delinquent roll above described, he shall prepare separate

statements of tax accounts due the city, to be furnished the City Attorney or other officer designated by the City Council, which statements shall contain a description of the property, the year for which the tax is due, the amount of the tax due, the rate of taxation, and the person or persons, estate, firm or corporation who assesses the same, and whether the property is rendered or unrendered, or owner unknown, as appears on the tax roll, which statement the City Assessor and Collector, or such other officer or employe as may be designated by the City Council shall certify to be correct, and which shall be prima facie evidence of the statement made therein, and that all the prerequisites and requirements of the law as to levying taxes and assessing and rendering property therefor, and as to all matters have been complied with and th ecity shall be entitled to one dollar on each statement so made, which shall be taxed against the delinquent taxpayer of the property and against the property on which the tax is due, and in case of suit, to be taxed as a charge against the property, the Assessor and Collector of Taxes, or other officer designated by the City Council, shall not issue any receipts to any delinquent taxpayer until said one dollar has been paid, except upon express written authorization in each individual instance by the City Council; provided, that when separate tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they shall be contained in the same statement. Said delinquent roll shall be finished and said statement furnished by the Assessor and Collector, or other officer, not later than the last day of February of each year.

Said delinquent roll shall be published during the month of March following, or as soon thereafter as practicable, once a week for four consecutive weeks, in some newspaper published in the City of Denison, and the Assessor and Collector, or other officer or employe designated by the City Council, shall also be entitled to charge two dollars for advertising each tract of land separately assessed, which shall be taxed as a charge against the property on which the tax is due, and paid into the treasury of the City of Denison, and the Assessor and Collector. or such other officer or employe as may be designated by the City Council, shall not issue any receipt to any delinquent taxpayer until the cost of advertising has been paid, unless upon the express authorization to do so by the City Council, which authorization shall be made in writing in each individual instance, and a failure to comply with these provisions by the Assessor and Collector of Taxes, or other officer or employe as may be designated by the City Council, shall be deemed a malfeasance in office, and such officer shall be removed.

It shall be the duty of the Assessor and Collector of Taxes, or other officer or employe as may be designated by the City Council, whenever written request is filed with him by the owner or agent of any particular piece of property for a statement of all taxes due on said piece of property, to give to said person a written statement of all taxes due thereon for each and every year from and after the year 1876 up to and including the year for which the taxes are last due, and any person who pays the taxes due on said property upon the statement so rendered, if duly certified to by the Assessor and Collector as being all the taxes due thereon shall not thereafter be required to pay, but shall be relieved from payment of any taxes due or claimed to be due on said property for any year prior to the time of filing said written request for a full statement of all the taxes due on said property.

Sec. 13. The City Council may by resolution provide for advance payment, and may allow interest upon advance payment, of taxes, at a rate not to exceed six per cent. per annum for the time intervening between the time of such payment and the time of the last payment, without interest or penalties, namely, the thirty-first day of December

of each year; provided, that no such resolution shall be passed, nor such interest allowed, except for the purpose of raising money to meet the current expenses of the city for legitimate purposes.

Such resolution shall state the amount of money sought to be raised by this means, and when said amount has been received, the Assessor and Collector, or such other official or employe designated by the City Council, shall immediately notify the Mayor and City Council that the amount called for in the resolution has been received, and no one shall by authorization of the City Council, nor shall the City Council, pay interest on moneys subsequently paid in for taxes for that year. In receiving moneys for taxes in advance, under the resolution herein provided for, the Assessor and Collector, or other officer or employe designated by the City Council, shall allow the taxpayers to retain out of such payment the amount of the interest allowed thereon, and shall give his receipt for the whole amount, showing what amount is actually paid in, and what sum is allowed as interest on such payment.

Sec. 14. Any and all descriptions of real estate, blocks, outlots, lots, or any parts or fractions thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities or amounts contained in any assessment roll or sheet, land tax book, personal tax book, or descriptions contained in any book or roll for the purpose of assessing property, shall be sufficient and valid when made or stated in whole or in part, in abbreviations or contractions of words, letters, characters or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated as though the same had been written out in full. No error or irregularity in any assessment roll, tax book, or other document relating to the levy, assessment, equalization or collection of the taxes of the city shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof; but every such assessment shall be liberally construed to effect the purpose and objects of this article in determining the validity thereof.

Sec. 15. **Board of Appraisement.**—There shall be a Board of Appraisement in said city, which shall be composed of two qualified voters and taxpayers on real estate in the City of Denison, Texas, and the Assessor and Collector of Taxes, or such other officer or employe designated by the City Council to perform the duties of an Assessor and Collector of Taxes.

The two qualified voters and taxpayers on real estate in the City of Denison, shall be appointed by the Mayor and confirmed by the Council not later than the first day of May of each year, and said board shall as soon as possible after the completion of all or any one of the assessment rolls by the Assessor and Collector, or other person designated therefor by the City Council, meet and carefully examine said roll or rolls, and properly and equitably adjust and equalize the taxable values thereon, thus continuing until they have adjusted and equalized the valuation on all property on said rolls, under such regulations as may be prescribed by the City Council by ordinance, and after the completion of said work, said board shall make due report of its action to the City Council.

Said board, constituted as herein provided, shall continue for a period of one year, and shall be a standing committee to which all matters relative to taxes shall be referred. The members of said board shall receive not exceeding five dollars per day compensation by reason of their services as members of said Board of Appraisement and as members of said standing committee on taxes. The Assessor and Collector, or other person designated therefor by the City Council, shall not receive any compensation for services rendered as a member of said board.

In case of dissatisfaction with the decision of said Board of Appraisment by any taxpayer, an appeal from the decision of said Board of Appraisement may be had to the City Council of the City of Denison, but such appeal must be by the dissatisfied taxpayer filed with the City Secretary before the expiration of thirty days after said board has finally examined and passed upon the delinquent rolls of said city and made its final report to the Mayor and City Council, as herein provided. The decision of the City Council in all cases of appeal from the decision of the Board of Appraisement shall be final and binding, and no appeal shall be allowed from the decision of the City Council.

Said Board of Appraisement shall finish and conclude its labors within not less than sixty days, and in no event shall it file its final report with the Mayor and City Council later than the fifteenth day of June of each year, but in no event shall they receive compensation as members of said board for a longer period than sixty days.

It shall be the duty of the Board of Appraisement to mail a postal card to each property owner, the valuation of whose property the board proposes to raise or increase, notifying him to appear before it and show cause why said valuation should not be increased as proposed, but the failure on the part of any property owner whose property may be increased in value by the Board of Appraisment to receive written notice of the proposed increase, shall in no wise invalidate or affect the action of said Board of Appraisement in increasing the valuation of said property, but it shall be presumed that the notice was sent as provided for herein.

Sec. 16. The City Council shall have full power and authority to grade, fill, repair, macadamize, remacadamize, pave, repave, and otherwise improve any public highway, street, alley, or avenue of said city and to construct or purchase and keep in repair any bridge within or partly within the limits of said city or over a water course on the line thereof, and connecting with or forming a part of any street or highway therein, and to build, construct or repair any sidewalk, crossing, or gutter, in said city, and shall have full power and authority to compel the property owners in said city to pay for such grading, filling, paving, repairing, macadamizing, re-macadamizing, and repaving and otherwise improving the streets, avenues and alleys of said city and in constructing, and repairing the sidewalks, curbing, and gutters in said city, in whole or in part, in the manner and form as provided herein.

Sec. 17. **Not Exempt.**—But no property of any kind, church, school, public or otherwise in the City of Denison shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements.

Sec. 18. **Attorney's Fee.**—A fee not exceeding five dollars may be allowed, by the court trying the cause, to the attorney representing a non-resident or unknown owner of property in suits for the collection of delinquent taxes.

ARTICLE IV.

Section 1. The City of Denison is hereby authorized and empowered to issue bonds as herein provided but not otherwise and all bonds hereafter issued shall be authorized by ordinance duly passed and each ordinance providing for the issue of bonds shall specify the precise purpose for which the bonds are issued and the use to which the money realized from said bonds shall be put. The City Council of the City of Denison may of its own motion and without any vote of the people issue bonds to refund and take up old bonds heretofore issued and to extend the time of payment of the debts represented by bonds heretofore issued and to be refunded. But it is expressly provided that all the above named bonds which may be so issued by the City Council shall

not bear interest at a rate exceeding five per centum per annum and said interest shall be paid semi-annually as it accrues, and it is further expressly provided that the principal aggregate amount of the above named bonds which may be hereafter issued by the City Council shall be divided into fifteen different portions and one porton of the principal amount of each issue of bonds shall be paid each year and the bonds represented by said payment shall be duly cancelled and a record of the same made and the said bonds when paid and cancelled shall be kept as evidence of payment and of the cancellation thereof.

Sec. 2. Power and authority is hereby granted to the City of Denison to issue other bonds than those above provided for but no bonds other than those above provided for in Section 1 of this article shall ever be issued unless the issuance of the same shall be authorized by a vote of the inhabitants of the City of Denison as herein provided for.

Sec. 3. No bonds shall ever be issued under Section 2 of this act except for the making of permanent improvements and for furnishing public utilities such as are named in this act and no such bonds shall ever be issued which shall bear interest exceeding the rate of five per cent. with said interest payable semi-annually as it accrues, nor shall any such bonds be issued except upon ordinance made by the City Council after a majority vote of the electors of the City of Denison in favor of said ordinance and the issuance of said bonds as hereinafter determined.

Sec. 4. Whenever the City Council may deem it advisable to issue bonds, other than those provided for in Section 1, of this Article, the Council shall by resolution declare the purpose for which it deems the issuance of bonds advisable, the amount of bonds which it deems advisable to issue and sell to raise money to execute said purpose, the rate of interest which said bonds shall bear, and the denomination in which said bonds shall be issued. The City Council shall thereupon order an election of the qualified property owning voters in said city to be held not later than thirty days after the date of the resolution, and at said election the ballot of the qualified voters shall be taken, and those voting for the issuance of said bonds shall have written or printed upon their ballots "In favor of issuing bonds in ..... for the purpose of ....." and blanks in ballots herein shown shall state in one, the amount of the issue and in the other the purpose, following the resolution made by the City Council, and those voting against the issue shall vote a like ballot except the words against the issuing of bonds in amount and for the purpose set forth. If at such election, a majority of the voters shall have voted for the issuance of bonds then an ordinance shall be passed, providing for the issuance, and the said bonds shall be issued, but in every instance an ordinance shall be duly passed, providing for same, and naming the purpose for which said bonds are issued, and the amount of the aggregate issue thereof, and no bonds herein provided for shall run for a longer term than forty years. (1913).

Section 4 of Article 4, prior to amendment by special act of the Legislature at its regular session ending April 1, 1913, read as follows:

> Sec. 4. Whenver the Council may deem it advisable to issue bonds other than those provided for in Section 1 of this article, the Council shall by resolution declare the purpose for which it deems the issuance of bonds advisable, the amount of bonds which it deems advisable to issue and sell to raise money to execute said purpose, the rate of interest which said bonds shall bear and the denominations in which said bonds shall be issued. The City Council shall thereupon order an election of the qualified property owning voters in said city to be held not later than

thirty days after the date of said resolution and at said election the ballot of the qualified voters of Denison shall be taken and those voting for the issuance of said bonds shall have written or printed upon their ballot "in favor of issuing bonds in..... for the purpose of ....." and blanks in said ballot herein shown shall state in one the amount of issue and in the other the purpose following the resolution made by the City Council and those voting against the issue shall vote a like ballot except the words against the issuing of bonds in amount and for the purposes set forth. If at such election a majority of the voters shall have voted for the issuance of bonds then an ordinance shall be passed providing for the issuance of said bonds and the said bonds shall be issued but in every instance an ordinance shall be duly passed providing for the same and naming the purpose for which said bonds are issued and the amount of the aggregate issue thereof and each ordinance so providing for the issuance of bonds and the bonds themselves shall provide that one-twentieth of the principal amount of the issue shall be paid each year and bond or bonds representing same shall be paid and duly taken up and cancelled by the City Council and not destroyed but preserved as evidence of such payment and no bonds herein provided for shall run for a longer term than twenty years.

Provided, however, that for the purpose of furnishing such public utilities as are named in this act the City may issue bonds some of which may run for a longer period than twenty years, but in this case and instance said bonds shall not be issued except on resolution and vote at an election as above provided for and in event bonds are issued some of which may run for a longer period than twenty years, the ordinance providing for the issuance of said bonds and the bonds themselves shall provide that substantially an equal portion of said bonds shall mature each year; and the adoption of such ordinance by the City Council, the approval of the Attorney General of the record pertaining to the issuance of such bonds and their registration by the Comptroller as provided by the general laws shall be final and conclusive evidence of a sufficient compliance with this and all other provisions in regard to the issuance of same, and all bonds heretofore issued by said city under the provisions of the special act referred to in caption hereof are here declared to have been issued in substantial and sufficient compliance with law and with the terms of said charter and to be the valid, legal and binding obligations of said city.

Sec. 5. It is further expressly provided that the total amount of bonds of the City of Denison, issued and outstanding at any time, shall not exceed ten per centum of the aggregate taxable values of all taxable property, real, personal and mixed, situated within the said city, and such aggregate values shall be determined by the last assessment of property in said city at the time of the proposed issue of bonds. But nothing herein shall in any way effect the issuance of bonds for improving streets, avenues, and sidewalks, as hereinafter (hereinbefore) provided. (1913).

Section 5 of Article 4 prior to amendment by special act of the Legislature at its regular session ending April 1, 1913, read as follows:

Sec. 5. It is further expressly provided that the total amount of bonds of the City of Denison issued and outstanding at any time shall not exceed six per centum of the aggregate taxable values of all taxable property real, personal and mixed, situated within the said City and such aggregate values shall

be determined by the last assessment of property in said City at the time of the proposed issue of bonds.

But nothing herein shall in any way effect the issuance of bonds for improving streets, avenues and sidewalks as hereinafter provided.

Sec. 6. **Utility Bonds.**—Provided further, that the City of Denison shall have authority to construct public utilities and pledge said public utilities so constructed together with the profits thereof to secure the bonds and the interest thereon issued for said construction.

ARTICLE V.

Section 1. **Elective Officers.**—The administration of the business affairs of the City of Denison shall be conducted by a Mayor and two Aldermen, who, together, shall be known and designated as the City Council, each and all of whom shall be elected by the qualified voters of the city at large, and who shall hold their respective offices for two years from and after the next city election, or until their successors are elected and qualified, unless sooner removed, as is provided by this act.

Sec. 2. **Official Ballot.**—All men legally qualified who desire to become candidates for any elective office in and for Denison shall have the right to have their names printed on the official ballots of the city.

Sec. 3. **Classes.**—Candidates for Aldermen shall be voted for separately, and, each person in announcing his candidacy, or, requesting his name to be placed on the official ballot, shall designate the class, No. 1, or, No. 2, in which he desires his name printed. And no voter shall be allowed to vote for more than one candidate in each class.

Compensation for all officers, except the Mayor and Aldermen shall be fixed by the City Council, which may increase or diminish the same at will, or abolish entirely any office at any time, except as to the officers above mentioned, and until their two years term of office expires.

Sec. 4. **Appointive Officers.**—The City Council of the City of Denison shall have power, by a majority vote thereof, to appoint and elect such heads of departments in the administrative service of the city, and all officers and employes of the city, other than members of the City Council, and shall have power to remove all such officers, heads of departments and employes in the service of the city, for cause whenever in its judgment the public interest will be better subserved thereby; and no officer or employe whose office is created by ordinance, shall hold the same for any fixed term, but shall always be subject to removal, by the City Council. In case of such removal, if such officer or employe so requests it, there shall be filed with the City Secretary a written statement of the reason for which removal was made, and all laws and parts of laws in conflict herewith are hereby repealed. (1910).

ARTICLE VI.

Section 1. **The Mayor.**—The chief executive and administrative officer of the city shall be the Mayor, who shall be a citizen of the United States, a qualified voter, residing for five consecutive years immediately before his election within the city limits, and shall not be indebted to the city for taxes, or otherwise, and shall not be either directly or indirectly interested in any contract between the city and any party or parties and shall hold his office for two years and until his successor is elected and qualified, unless sooner removed as provided by this act.

Sec. 2. **Mayor Pro Tem.**—At the first regular meeting of the City Council after the induction of the newly elected Mayor and Aldermen in office, the Mayor shall nominate, subject to confirmation by the City

Council, one of the Aldermen who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as Alderman, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

Sec. 3. **Disability of the Mayor.**—If for any reason the Mayor is absent from the city, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor and during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor, except that he shall not, independent of the City Council, appoint or remove any officer or head of any department from office, which officer or head of department was appointed by the Mayor, unless the Mayor shall be absent, or disabled for a period of at least sixty days.

Sec. 4. **Vacancy.**—In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until an election is ordered by the City Council to fill the vacancy in the office of Mayor. Said election should a vacancy occur in the office of Mayor, shall be called by the City Council and held within thirty days thereafter, and notice by publication given for at least twenty days, as may be required by law.

Sec. 5. **Removal of the Mayor.**—Whenever the Mayor of the City of Denison, Texas, shall fail in the performance of his duties through neglect, misconduct, or inability, said Mayor shall be removed from office as follows:

By twenty per cent. of the qualified voters of the City of Denison, Texas, signing a petition calling for an election to elect a suitable Mayor, and presenting the same to the City Council, the City Council shall, within twenty days from the date of receiving said petition call an election to elect a suitable person to fill the office of the Mayor of the City of Denison and at said election the Mayor who is then in office, shall have his name printed on said ballot and shall be a candidate for re-election to said office. Said election shall be conducted and the returns of the same shall be made as herein provided for the holding of elections to elect the Mayor and Councilmen of said City and the newly elected Mayor, shall qualify as herein provided.

Sec. 6. **Veto Power of the Mayor.**—Every ordinance or resolution of the City Council shall, before it takes effect, be presented to the Mayor for his approval and signature. If he approves it, he shall sign it; if he disapproves it, he shall specify his objection thereto in writing within five days and return the same to the City Council with such disapproval. If he does not return it with such disapproval, nor sign it, it shall upon the expiration of the time for its return to the City Council with his disapproval, be in effect and force, the same as if he had approved it.

The City Council may, in case of the veto of any ordinance or resolution by the Mayor, pass the same over the veto of the Mayor by a majority vote, but in all such cases the Mayor shall not be deprived of his right to vote as a member of the City Council by reason of the veto. In case the Mayor's veto is sustained, the matter shall not again come before the Council within six months, but in ordinance or resolutions making appropriation, and all motions the Mayor may veto any or every item therein, but such veto shall only extend to the items so vetoed, and those which he approves shall become effective, and those

which he disapproves shall not become effective, unless passed over his veto in the manner above specified.

Sec. 7. **General Powers of the Mayor.**—The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this act, or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of this charter, and shall have the right and authority at any time to remove any officer or employe of the city subject to the provisions of this act; provided, however, he shall not have the right to remove either of the Aldermen of the city.

In case of the disability or absence of the Judge of the Corporation Court, the Mayor, or in the absence or disability of the Mayor, the Mayor Pro Tem shall act as Judge of the Corporation Court.

Sec. 8. **Annual Budget.**—It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the city and on the second Monday of March of each year to submit to the Council the annual budget of the current expenses of the city for that fiscal year, each item of which may be increased, reduced or omitted by the Council, subject to the veto power of the Mayor.

The fiscal year of the City of Denison is hereby designated, beginning with the first day of March of each year and closing with the last day of February next ensuing thereafter.

Sec. 9. **Salary of the Mayor.**—The salary of the Mayor of the City of Denison, shall be eighteen hundred dollars ($1,800) per annum which said salary shall be payable in equal monthly installments. The Mayor shall devote such time as is necessary to looking after the business and administration affairs of said city, or performing such duties as may devolve upon or be encumbent upon him to perform, and if for any reason, except in case of sickness or on business for the city, the Mayor shall absent himself from the city or fail or refuse to perform and discharge the duties of his office, for a period of time exceeding fifteen days, he shall not be allowed any compensation for such time, exceeding fifteen days, as he may fail to perform the duties of his office, but his salary shall for each and every day during such time and in excess of the fifteen days, be ratably reduced and deducted from his next monthly payment.

ARTICLE VII.

Section 1. **City Council.**—There shall be a City Council of the City of Denison, which shall consist and be composed of a Mayor and two Aldermen, with full power and authority, except as herein otherwise provided, to exercise all powers conferred upon the city subject to the veto power of the Mayor as hereinbefore provided. They shall see that prompt and efficient service is performed and discharged in every department, and, in addition to the oath of office as is prescribed by the State Constitution, they, in their oath of office shall declare that they will faithfully and to the best of their ability, perform and discharge the duty encumbent upon and trust imposed upon them and that they will give full and sufficient time to see that the public affairs of the said city are carefully, promptly and intelligently performed.

Sec. 2. **Qualification of Aldermen.**—No person shall be elected an Alderman unless he is a citizen of the United States, and shall have been five years immediately preceding such election a citizen of the City of Denison, and shall not be indebted to or interested in any contract between the city and any party or parties and shall hold his office

for two years and until his successor is elected and qualified, unless sooner removed as provided by this act.

All Aldermen shall be elected by a vote of the people at large, and if nominated by any political party or organization as a candidate at any primary election, said nomination shall be made by voting for the candidate at large in said city.

No person shall be eligible to office who shall have been nominated in any primary election in a ward or precinct of the city, or in any manner which will prevent the voters at large in said city from exercising the privilege of voting for or against said candidate.

Sec. 3. **Judge of Elections.**—The City Council shall be the judge of the election and qualification of its own members, subject to review by the courts, in case of contest.

Sec. 4. **Restrictions Upon Members of the Council.**—No member of the City Council shall hold any other public office, or hold any office or employment, compensation for which is paid out of public moneys, nor be elected or appointed to any office created by, or the compensation of which was increased or fixed by the City Council while he was a member thereof, until after the expiration of at least one year and after he has ceased to be a member of the City Council. Nor shall any member of the City Council, or any officer of the City of Denison, be pecuniarily interested, directly or indirectly, in any contract let by the city, board of school trustees of the Independent School District of the City of Denison or any work done by the city, or by the board of school trustees of the Independent School District of the City of Denison, nor in any matter wherein the rights or liabilities of the City of Denison are, or may be involved, nor shall any member of the City Council, or any other officer of the city, be interested, directly or indirectly, in any public work or contract let, supervised, or controlled, or which shall be paid for, wholly or in part, by the State of Texas, or any of the counties or municipalities therein, whether incorporated under general or special law.

In the event any such officer of the City of Denison, shall become interested, directly or indirectly, in any contract or work, purchase or sale, the same shall become null and void and shall be discontinued, and new arrangements shall be entered into as in case of the incipiency of the contract work, purchase or sale. Any member of the City Council, or any officer or employe of the city, becoming interested, directly or indirectly, as aforesaid, in any contracts, work, purchase or sale, by or with any of the agencies aforesaid shall forfeit all right or claim to the title and emoluments of any office which he may happen to hold in said city, and shall be expelled therefrom by the Mayor or City Council, or if they shall fail to remove said officer, employe, or member of the City Council guilty as aforesaid, he shall nevertheless be subject to removal upon the action of any five citizens taken in one of the district courts of Grayson County in such proceedings as are appropriate and proper, and shall in addition be guilty of misdemeanor or felony, as the case may be, as is or may be provided in the penal statutes of the State of Texas.

Sec. 5. **Rules of the Council.**—The City Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and shall compel the attendance of members.

Any member of the City Council who shall have been convicted of bribery or who shall violate any of the provisions of this act shall forfeit his office and the emoluments attached thereto.

Sec. 6. **Meeting of the Council.**—The City Council shall prescribe

by ordinance the time and place of its meetings, and the manner in which special meetings thereof may be called.

A majority of the members of the Council shall constitute a quorum to do business; shall sit with open doors; shall keep a journal of its own proceedings, which shall be public and constitute one of the archives of the city.

The Council shall act only by ordinance, resolution or motion and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances, making appropriations shall be confined to the subject of appropriation.

The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of its proceedings, and every ordinance, resolution or motion shall require on final passage the affirmative votes of the majority of all the members of the City Council.

No ordinance or resolution shall be passed finally on the date it is introduced, except in the case of public emergencies, and then only when requested by the Mayor in writing; provided that no ordinance or resolution making a grant of any franchise or special privilege shall be passed as an emergency measure.

Sec. 6a. In case any election or other proceedings shall have been held or may hereafter be held subsequent to and by virtue of the adoption of any resolution by the City Council, or bonds shall have been or may be issued thereunder and there is any real or supposed insufficiency in the caption of such resolution, said election, proceedings or bonds shall not thereby be invalidated; and where any bonds have been issued or may hereafter be issued under the provisions of said Act, and the records of the proceedings in reference thereto shall have been approved by the Attorney General and said bonds registered in the office of the Comptroller and there is or may be some real or supposed defects in the caption of the resolution by which the election therefor was ordered, said bonds shall be and are hereby declared to be valid and binding obligations of said City of Denison, and all bonds heretofore issued by said city subsequent to the twenty-seventh day of March, 1907, are hereby declared to be the valid, binding obligations of said city and the validity of same shall never in any wise be questioned; and the City Council of the City of Denison shall, during the time any of said bonds so issued may remain unpaid, levy each year on all taxable property in said city a tax sufficient to provide a fund for the payment of the principal and interest of said bonds when and as the same become due. (1911).

Sec. 7. **Vacancies.**—In case of the death, resignation, removal from the city or disqualification arising from any cause, of any alderman, his office shall thereupon become vacant and an election shall be ordered by the City Council to elect his successor. At least twenty days notice of said election shall be given, by publication in some daily newspaper in the City of Denison, and said election shall be held pursuant to the provisions of this act, or as may be required by the laws of the State of Texas, when not in conflict with this act.

Sec. 8. The City Council shall, consistent with the provisions of this act, have power to establish any office that may in its opinion be necessary or expedient for the conduct of the city's business or government, and may fix its salary and define its duties; provided, however, that all offices established by the Council shall be subject to discontinuance or be abolished by the Council at any time, and any incumbent of any office, may be removed at any time by the Mayor, with the concurrence of the Council; and in no case shall any officer or employe

of the city be entitled to receive any compensation or emolument of any office which may be abolished, or from which he may be removed, except for services rendered to the date when the office was abolished or the incumbent removed.

The Council shall require all officers of the city to give bond in such sum as may be prescribed by ordinance, which sum shall always be of sufficient amount amply to protect the city.

Sec. 9. The Mayor or the City Council, or a committee of the city duly authorized by it, may and it shall be their duty at any and all times to investigate each and every department of the city government and the official acts and conduct of the city officials; and for the purpose of ascertaining facts in connection with such investigation, shall have power to compel the attendance and testimony of witnesses, to administer oaths and to examine such persons as they may deem necessary and to compel the production of books and documents.

Failure to appear by any one when served with notice to do so shall be a contempt, which may be punished by fine, and in default of the payment thereof within five days, the person so fined may be imprisoned. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such.

Sec. 10. It shall be the duty of the City Council at its second meeting in April, or any time thereafter, of every year, to appropriate such sums of moneys respectively for each of the various departments of the city government as it may deem necessary for their maintenance during the current year. The current fiscal year shall begin on the first day of March of each year, and end on the last day of February next thereafter.

In addition to the departmental appropriations herein provided for the Council shall also make such appropriations for contingent purposes as may be deemed necessary.

The appropriations herein provided for shall be based upon estimates submitted by the Mayor in his annual budget.

The head of each department created by the City Council shall make a written report to the Mayor not later than the fifth day of March in each and every year, showing the operations of the department for the preceding year. These reports shall be transmitted to the Mayor, and shall accompany and be made a part of the Mayor's report to the City Council, which report shall be made not later than the fifteenth day of March of each year. The Mayor shall also make such recommendations to the City Council concerning the increase or decrease of departmental estimates as in his judgment may best serve the interests of the city, and he shall also submit an estimate for a general contingent fund for the current year.

In making up the budget allowance for any current year, the City Council shall first make provision for the payment of the interest and the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding bonded indebtedness of the city, and shall then make such appropriation as the remaining revenues of the city justify, to be apportioned among the respective departments, or otherwise appropriated for public uses, as to the Council may seem best; provided, however, that in no case shall the entire appropriation as made, which comprehends interest and sinking fund on the bonded debt, together with other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenues of the city derived from ad valorem taxes upon the basis of the total valuation of the property for taxation for the preceding year, and of such other contingent revenues of the city as may probably accrue.

It shall be deemed a malfeasance for the City Council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year.

Sec. 11. **Business Sessions.**—For the purpose of conducting and transacting the ordinary business and administrative affairs of the city, the City Council shall be continuously in executive session, or open and ready to be convened therefor at any time and at such hours as the Mayor may designate, and it is hereby declared to be the duty of every member of the City Council to attend at all times the executive sessions which may be called by the Mayor, or in case of his failure to call the same, by a majority of the members of the City Council, whenever they deem it expedient to do so.

Sec. 12. **Salary.**—The Aldermen shall each receive a salary of fifteen hundred dollars ($1,500.00) per annum, payable in equal monthly installments, and shall devote such time as is necessary to the service of the city, and shall perform all of the duties required by this act, and such other administrative duties as may be allotted or designated by the Mayor, from time to time.

Sec. 13. **Removal of Councilmen.**—Whenever any councilman of the City of Denison, Texas, shall fail in performance of his duties through neglect, misconduct, or inability, said councilman shall be removed from office and a suitable person elected to fill said office, as herein provided for the removal of the Mayor, in Article 6, Section 5.

ARTICLE VIII.

Section 1. **City Secretary.**—The City Council may at its first meeting in May, 1907, or as soon thereafter, as it may be disposed to do so, appoint a City Secretary.

Sec. 2. **Books of Account.**—It shall be the duty of the Secretary to keep books of account of the City of Denison, and to make such financial reports and statements as are provided by the terms of this act. His books of account shall exhibit accurate and detailed statements of all moneys received and expended for account of the city by all city officials and other persons, and shall show in detail the property owned by the city and the income derived therefrom.

He shall keep separate accounts of each and every appropriation made by the City Council, showing the date thereof and the purpose for which the same is made, and shall show for what each payment of any public money is made and the manner of making the same, and to whom same is made.

He shall keep a separate account with each department of the city government, and also such other accounts as may be necessary to show a complete financial statement of the city, and he shall be prepared at every regular meeting of the City Council to give such information concerning the finances of the city as the Council may require, and shall render a complete and specific statement each month and after one year such statements shall reproduce the figures for the corresponding months of the two preceding years to show each and every item of debit and credit for each and every account of the city.

All warrants or orders for payment of any public fund or moneys for any purpose shall be signed by the Secretary and the Mayor. No warrant not signed by the Secretary shall be authority for the payment of any public funds whatever, but the Secretary shall in no instance, unless the money is in the treasury and in the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose; provided, however, that nothing herein contained shall prevent the issue and sale of warrants to anticipate the

current revenue for any one year, which said warrants shall bear such rate of interest, not exceeding five per cent., as the City Council by ordinance may prescribe.

He shall not sign any contract nor make or execute any warrant or order for the payment of any sum of money, unless the same be legal, and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor.

He shall, whenever deemed necessary, require all accounts presented to him for settlement or payment to be certified to by affidavit, and he is hereby authorized to administer oaths, with authority to compel and require persons to answer such questions as may be propounded to them touching the correctness of any account or claim against the city. He shall require all persons who shall have received any moneys belonging to the city, and not having accounted therefor, to settle their accounts, and it is hereby made his duty from time to time to require all persons receiving moneys, or having the disposition or management of any property of the city of which an account is kept in his office, to render statements thereof to him; provided, that no warrant or order shall ever be issued in favor of any person or corporation, or to the asignee or agent of any person indebted in any manner for taxes or otherwise to the city, unless such debt so due and owing to the city be paid.

No disbursing officer of the city, nor any one having money in his possession for the account of the city, shall pay the same to any person or persons for the account of the city, except to the regularly designated officer or custodian of the public funds for the city, except upon draft or warrant countersigned by the Secretary of the City of Denison, and signed by the Mayor; and the Secretary shall not countersign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized, and appropriation therefor duly made, and that the appropriation has not been exhausted.

Sec. 4. **Annual Report.**—The City Secretary shall, on or before the fifteenth day of March in each year, prepare and transmit to the City Council a report of the financial transactions of the city during the fiscal year ending the last day of February next preceding and of its financial condition on the said last named day of February. The report shall contain an accurate statement in summarized form and also in detail of the financial receipts of the city from all sources and the expenditures of the city for all purposes, together with a detailed statement of the debt of said city, and the purposes for which said debt was incurred, and of the property of said city, and of the accounts of the city with the grantees of franchises.

In addition to the annual statement herein required and of the reports which may be demanded by the Council at any time, it is especially made the duty of the Secretary to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate statement of the financial affairs of the City of Denison, and if any officer of any department or any employe of the city shall fail to make such stated or stipulated reports as and at times required either by the Mayor or the City Council, it shall be the duty of the Secretary to report such delinquency or failure to the Mayor, and further to state any carelessness or negligence of any officer or employe in making or stating of reports covering any matter within the range of the duty of said officer or employe.

ARTICLE IX.

General Provisions.

Section 1. **Actions by Citizens.**—Any citizen who is a property taxpayer of the City of Denison may maintain an action in the proper court to restrain the execution of any illegal, unauthorized or fraudulent contract or agreement on behalf of said city, and to restrain any disbursing officer of said city from paying any illegal, unauthorized or fraudulent bills, claims or demands against said city, or any salaries or compensation to any person in its administrative service whose appointment has not been made in pursuance of the provisions of law and the regulations in force thereunder. And in case any such illegal, unauthorized or fraudulent bills, claims or demands, or any such salary or compensation, shall have been paid, such citizen may maintain an action in the name of said city against the officer making such payment and the party receiving the same, or either, or both, to recover the amount so paid, and such amount, after deducting all expenses of the action shall be paid into the city treasury, provided, however, that the court may require such citizen to give security to indemnify the city against costs of court, unless the court shall decide that there was reasonable cause for bringing the action. The right of any property taxpayer of the city to bring an action to restrain the payment of compensation to any person appointed to or holding any office, place or employment in violation of any of the provisions of this act, shall not be limited or denied by reason of the fact that said office, place or employment shall have been classified as, or determined to be, not subject to competitive examinations; provided, however, that any judgment, or injunction granted or more in any such action shall be prospective only, and shall not affect payments already made due to such persons by the proper disbursing officers.

In the case of any unsatisfied judgment, or any suit or process of law against said city, any five or more citizens who are freeholders of said city shall, upon petition, accompanied by affidavit that they believe that injustice will be done to said city in said suit or judgment be permitted to intervene and inquire into the validity of said judgment, or defend said suit or action as fully and completely as the officers of said city would by law have the right to do.

Sec. 2. **Elections.**—That in each voting precinct of the city, as the same may be legally defined, shall be established and arranged at least one voting place, and where two or more voting places are established, they shall be so located as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each voting place; provided, the voter shall vote in the district or precinct of his residence.

The City Council shall make all necessary regulations concerning elections, the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and shall, however, be in keeping with and consistent with the provisions of the State law applicable to elections in municipalities, in so far as the same may be practicable, and the City Council shall provide for the examination and counting of the returns of elections, declarations of the result thereof and the issuance of proper certificates to the successful candidates, and it is hereby made the duty of the Council to examine and count the returns at its first regular meeting after the election shall be held, or if no regular meeting shall be held within one week after an election is held, it is hereby made the duty of the Mayor to call a special meeting of the Council for the purpose of counting the

vote and determining the result of the election within one week after the election is held, and the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the result of the election upon taking the oath of office prescribed by law.

The City Council may, with the other provisions of this act, and conforming to all the provisions of the State law regulating primary elections in cities and towns, in so far as the same may be applicable to prescribe the manner and method of holding primary elections by all political parties or political organizations of any kind whatsoever, and to determine the rules that shall obtain with respect to the representation the respective parties or candidates may be entitled to at the polls; may prescribe an official ballot, official returns, etc., and the expense of all primary elections held for the purpose of nominating candidates of any political party or organization for city officers shall be borne and paid for by the City of Denison.

Sec. 3. **Petitions.**—The petitions provided for in this act need not be on paper, and may be printed or written, but the signatures thereto must be the autograph signatures of the persons whose names purport to be signed. To each signature the house address of the signer must be added, and the signature must be made, acknowledged or proved before an officer authorized by law to take acknowledgements and proof of deeds. The certificate of such officer under his official seal that a signature was so made and acknowledged or proved shall be sufficient proof of the genuineness of the signature for the purposes of this act. The signing of another's name, or of a false or fictitious name, to a petition, or the signing of a certificate falsely stating either that a signature was made in presence of the officer or acknowledged or proved before him, shall be punishable as a forgery.

Sec. 4. **Public Act.**—That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts.

Sec. 5. **Existing Ordinances.**—All ordinances of the City of Denison, not inconsistent with the provisions of this charter, shall remain in full force and effect until altered, amended or repealed by the City Council; provided, that the power to pass such ordinances under former charters has not been repealed expressly or impliedly by the terms of this act.

Sec. 6. **Printed Ordinances as Evidence.**—All ordinances of the City of Denison, published in book or pamphlet form, and purporting to be published "By Authority of the City Council of the City of Denison," shall be received by all the courts of the State of Texas as prima facie evidence of the due passage and publication of such ordinances as appear therein; provided, that no person shall be precluded from showing by competent evidence that any ordinance published "By Authority of the City Council of the City of Denison," as aforesaid, is not a true copy of the original ordinance.

Sec. 7. **The City Not Required to Give Bonds.**—It shall not be necessary in any action, suit or proceeding in which the City of Denison is a party for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the State courts, but all such actions, appeals, or proceedings shall be conducted in the manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security or bond had been duly executed.

Sec. 8. **Public Property Exempt From Execution Sale.**—The property, real and personal, belonging to the City of Denison shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to

garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the city, but if the Mayor of the city elects so to do, he may answer in a writ of garnishment for the city in his discretion.

Sec. 9. No person shall be an incompetent judge, justice, witness, or juror by reason of his being an inhabitant or a freeholder, or a taxpayer of the City of Denison, in any action or proceeding in which said city may be a party at interest, and all officers and employes of said city shall be exempt from jury service.

Sec. 10. Before the City of Denison shall be liable for damages for personal injuries of any kind, the person injured or some one in his behalf shall give the Mayor or the City Council notice in writing of such injury within ninety days after the same has been sustained, stating in such notice when, where and how the injury occurred, and the apparent extent thereof, and the failure to so notify the city within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever.

Sec. 11. **Liability and Negligence.**—The City of Denison shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts, sewers or sidewalks being out of repair from negligence of said corporation unless the same shall have remained so for ten days after special notice in writing given to the Mayor or City Council.

Sec. 12. **Pleading Ordinances.**—It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption, without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence.

Sec. 13. This act shall be deemed a public act and judicial notice shall be taken thereof in all courts.

Sec. 14. **Ownership and Regulation of Public Utilities.**—The right is hereby granted to the City of Denison to acquire its public utilities, such as gas, water and electric light works ,and underground, surface and elevated street railways, subways, or underground conduit systems for electric light, power, telephone, telegraph and other wires used for the purpose of transmitting any electric service. That such utilities may be purchased by a payment in cash of twenty-five per cent. of such price, the balance in annual installments, including interest, to be paid out of the revenues of such utility, and that such works so purchased shall stand pledged as security for the payment of the amount due thereon but that no judgment shall be rendered against the city upon any deferred note, requiring the city to pay any specified sum of money, but said judgment shall be merely one of foreclosure, divesting and depriving the city of the possession of the property so purchased but not paid for, in which event the city shall forfeit and lose only the cash payment of twenty-five per cent. of the agreed price; provided, that no purchase or expenditure shall be made under this section, unless the same shall have first been submitted to the vote of the qualified taxpaying voters at an election to be held exclusively for that purpose.

And the right is hereby expressly granted to the City of Denison to regulate all public utilities in said city and to require efficiency of public service, and to require all persons or corporations to discharge the duties and undertakings for the performance of which the respective franchises were made.

Sec. 15. **Improvement Districts.**—The City Council may, and upon petition shall, divide the city or any portion of the corporate territory thereof, into "Improvement District," clearly defining the limits and boundaries of each district; and shall have the right, and is hereby authorized to borrow money on the credit of any improvement district so created in the city, and issue bonds therefor for the purpose of constructing and laying permanent sidewalks and curbing in such improvement districts, but every proposition to borrow money on the credit of such district for such improvement shall be based upon the written petition for such improvement in such district and such petition shall be actually signed by a majority of the resident property owners in said district and the signers to the said petition shall also own over one-half of all the taxable property in said district. When the petition for said improvements, signed as above stated shall be presented to the City Council, it shall become the duty of the City Council to name by resolution the specific kind and character of improvements to be made in said district and said resolution shall further provide that an election shall be held as to whether said improvements in said district shall be made and if a majority of the votes of those owning property within said district be cast in favor of said improvements, then the said improvements shall be provided for by the Council as hereinafter set forth, but if at said election a majority of the property owning voters in said improvement district shall not vote in favor of such improvements, then such improvements shall not be ordered.

If at said election in said improvement district a majority of the voters shall vote for the improvements, then the Council shall after advertisement and notice for twenty days let the said work to the lowest bidder and said Council shall require bond of the contractor, said Council shall by ordinance issue bonds to pay for said work and when the bonds shall be sold the work shall be begun and carried forward to completion with all due diligence. The bonds issued to pay for improvements for any and all improvement districts shall be divided for each district into ten equal amounts and one-tenth of each issue of bonds for each improvement district shall be paid each year and said bonds cancelled and held as evidence of payment and the rate of interest on said bonds shall not exceed the rate of six per cent. (6 per cent.) per annum and said bonds shall be sold at par or over, and the interest on said bonds shall be paid semi-annually as it accrues.

The principal and interest of the said bonds shall be paid by a specific and special levy made by the City Council upon all the taxable property within said improvement district and the special tax to pay the same shall be levied at the same time and in the same manner as other city taxes are levied and the taxes so levied upon the said property in said improvement district shall be a direct lien and charge upon and against said property as other ad valorem taxes are and each piece of property shall be specially charged with said special tax against it and a lien thereon shall exist in favor of the City until said tax shall be fully paid together with interest, costs and penalties thereon as other ad valorem taxes levied and assessed by the City as provided in this act.

It is furthermore provided that the special taxes levied to pay the interest and principal on bonds issued in each improvement district shall be kept separate and apart from other funds of the city and the same shall be used only to discharge the principal and interest due upon the bonds for the particular improvement district, and no more than twenty-five cents on the one hundred dollars tax values within

said district shall be levied for any one year to pay the said principal and interest on said bonds.

Sec. 16. **Ending of Old and Beginning of New Charter.**—The present Mayor, City Attorney, Chief of Police, City Assessor and Collector, City Treasurer, and all members of the City Council, and all other officers and employes of the city, whether elected by the people or appointed by the Council, shall continue to serve and receive the pay provided for at the time of their election, until the next city election held as hereafter provided in this act and until the qualification of the officers elected at said election. And shall temporarily exercise the powers and be subject to the limitations in this charter contained.

Sec. 17. **First Election.**—It shall be the duty of the Mayor, or, in case of his absence, inability or refusal to act, then it shall be the duty of the City Secretary, immediately after this act becomes a law, to order an election by giving twenty days' notice thereof, at which election a Mayor and two Aldermen shall be elected at large in said city. The Mayor and Aldermen elected in Class No. 1 shall hold office until the election and qualification of their successors in April, A. D., 1909, unless sooner removed under the provisions of this Charter; and the Alderman first elected in Class No. 2 shall hold office until his successor is elected and qualified in April, A. D., 1908, unless sooner removed under the provisions of this act.

Sec. 18. **Annual Elections.**—The general city elections for elective officers shall be held annually on the First Tuesday in April and said elections shall be held under the provisions of the State law except as herein provided.

Sec. 19. **Repealing Clause.**—Be it further enacted, that all laws and parts of laws in conflict herewith, be and the same are hereby repealed, and that all previous special acts granting or amending charters of the City of Denison, be especially repealed.

Sec. 20. **Emergency Clause.**—The fact that it is important to the interests of the general public of said city that the charter created by this act go into effect immediately creates an emergency and an imperative public necessity which requires the suspension of the Constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage and approval, and it is so enacted.

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THE

COMPILED ORDINANCES

OF THE

CITY OF DENISON

HERALD PUBLISHING CO.
DENISON, TEXAS
1916

ORDINANCES

OF THE CITY OF DENISON.

TITLE ONE.

Fire Limits and Fire Regulations.

CHAPTER I.

Fire Limits.

Article 1. It shall be unlawful to erect, build, place, enlarge, or repair any wooden building or structure whatsoever constructed of wood or other combustible material or with a wooden roof, or to arrange, keep, locate or establish any lumber or wood yard or place for the purpose of carrying on the business of lumber dealing or for storage of cord wood, except in quantities of less than twenty cords thereof in this city within the following boundaries, to-wit: Beginning at a point at the intersection of the west track of the M. K. & T. Ry. Company on the south side of Gandy street; thence west to the east side of Houston avenue; thence south to alley between Gandy and Woodard streets; thence west to Burnett avenue; thence south to Woodard street; thence west to Fannin avenue; thence south to the alley between Main and Woodard streets; thence west to Barrett avenue; thence south to the alley between Main and Chestnut streets; thence east to Fannin avenue; thence south to Chestnut street; thence east to Burnett avenue; thence south to alley between Chestnut and Crawford streets; thence east to intersection of west track of M. K. & T. Railway; thence northeasterly along west track of said railway to place of beginning.

Art. 2. The territory within said boundaries shall be designated as the Fire Limits of said city. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined One Hundred Dollars.

Art. 3. That any building hereafter erected or placed within the district described in the first section hereof, having more wood on the outside of said building or structure than that required for the doors and window frames, roof, eaves, door shutters, sash and porticos is subject to the penalties imposed by the preceding section; provided, that this section shall not be construed to permit wooden roofs, cornices or fronts within the fire limits as described herein.

Art. 4. It shall be unlawful for any person, firm or corporation, or agent or representative of such, to erect or cause to be erected, or in any manner be engaged in the erection of or repair of any building within the fire limits of the City of Denison in which tin, corrugated iron, galvanized iron or any metallic substance form a part of such building, or is used in the erection or construction thereof in any manner without first obtaining permission from the City Council of the City of Denison by application made in writing by the person or persons desiring to erect or improve such building or buildings within the fire limits of the City of Denison.

Art. 5. That any person or persons violating the last preceding article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

Art. 6. That it shall be lawful to construct buildings to be used exclusively for residence purposes on the property fronting on Main street in the City of Denison, between Mirick avenue on the east and Barrett avenue on the west, and extending back from Main street south to the first alley therefrom, and extending back north from Main street to the first alley therefrom.

Art. 7. It shall be unlawful to construct or use any building in whole or in part for business, factory or industrial purposes on any of that property fronting on Main street in the City of Denison between Mirick avenue on the east and Barrett avenue on the west and extending back from Main street south to the first alley therefrom and extending back north to the first alley therefrom, unless such building shall be built and constructed of fire-proof material such as brick, stone and concrete, and it shall be unlawful to construct such building either in whole or in part out of corrugated or sheet metal or plates of any kind.

Art. 8. If any person, firm or corporation shall construct or use, either in whole or in part, any building for business, factory or industrial purposes on the property fronting on Main street in the City of Denison between Mirick avenue on the east and Barrett avenue on the west and extending back from Main street south to the first alley therefrom, and extending back north to the first alley therefrom, which said building is built or constructed of any material other than brick, stone or concrete, or if any person, firm or corporation shall construct any building in whole or in part out of corrugated or sheet metal or plates of any kind within said boundaries, the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty ($50.00) dollars and each day of such violation shall constitute a separate offense, and the person, firm or corporation constructing such building or using the same shall be held as violating this ordinance.

Art. 9. That whenever any building, awning, shed or other structure of any kind, shall, from age, neglect or other cause, become dilapidated, the same is hereby declared a nuisance, and the Mayor shall cause the same to be inspected by the City Engineer and Fire Committee, as a board of inspectors, and if the same be reported by said inspectors, or a majority thereof, to be dilapidated and a nuisance, the Mayor shall lay said report before the City Council for their consideration and action, and give five days' notice, in writing, to the owner or agent of said dilapidated building, awning, shed or other structure, to appear before the City Council and show cause why the same shall not be declared a nuisance and be abated and removed, and if the City Council shall adopt the report of the inspectors, thereupon the Mayor shall, in case the said building is within the fire limits, cause the same to be pulled down and removed, as he may deem best, giving ten days' notice to the owner or agent to pull down the same, so that the nuisance be abated. And if said house, awning, shed or other structure be outside of the fire limits, the Mayor shall require the owner or agent to repair the same or abate it, giving ten days' notice to the owner or agent to abate the same, so that the nuisance be abated. And if the owner or agent aforesaid shall fail or refuse to comply with the order of the Mayor contained in said notice, within ten days after the service thereof on him as aforesaid, whether the building or structure is within or without the fire limits, then he shall be punished by a fine of

not less than ten dollars nor more than one hundred dollars for each and every day that he so fails to comply with the order of the Mayor. (Adopted 1893).

Art. 10. That it shall not be lawful for any person or persons to move any wooden building or buildings within said fire limits to any other place within the same, nor elevate, nor make any additions to, or cover any building now within said fire limits with shingles or other combustible or inflammable material; and any person so offending, upon conviction before the city court of said city, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars; and each day that said building shall be allowed to remain in said condition shall constitute a separate offense; provided, that nothing in this section shall be construed as to prevent any person from putting on slight and unimportant repair which may be necessary to keep any building in good condition, provided such person shall first get permission in writing from the fire committee and City Engineer.

Art. 11. That any person who shall without the consent of the city council, and without having first provided such building with one or more hydrants with sufficient length of hose to reach any part of such building, or an adequate number of fire extinguishers, or such suitable appliances for the extinguishing of fires as may be approved by the fire committee of the City Council, set any steam engine, blacksmith shop, or any establishment for boiling soap, or any similar establishment in any building other than a brick or stone building, having a slate or metal roof within the fire limits, shall, upon conviction before the city court, be fined twenty dollars, and each day that said steam engine, smith shop or establishment for boiling soap or any similar establishment, shall be allowed to remain in said building shall constitute a separate offense.

Art. 12. In all buildings and offices within the city limits, where cotton samples or other similar inflammable materials is kept or stored, or in which a business is pursued which causes a risk from fire, there shall be kept, in readiness for immediate use, one or more hydrants with sufficient length of hose to reach any part of the building, or an adequate number of fire extinguishers, or such other suitable appliance for the extinguishment of fires as may be approved by the fire committee. Any occupant of such building, offices or premises failing to comply with the requirements of this article, after five days' notice so to do, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the city court, shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Art. 13. It shall be unlawful for any person or persons, or the agent of any person or corporation, to build or begin work on any house, building, structure or edifice of any kind, without first obtaining from the City Secretary, or in his absence, the Mayor, a permit so to do, and the application for such permit shall state the number of the lot or lots upon which the improvement is to be made and the costs of such improvement.

Art. 14. The preceding article shall not prevent parties outside the fire limits from making small improvements, where the cost of such improvement does not exceed one hundred dollars.

Art. 15. Any person or the agent of any person or corporation violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

CHAPTER II.

Fire Escapes.

Art. 16. It shall be and is hereby made the duty of every owner, tenant, lessee and manager of opera houses or halls in the City of Denison, where numbers of people habitually assemble for any purpose, to provide adequate means of escape from such houses or halls in case of fire, when ordered to do so by the City Council of the City of Denison.

Art. 17.—Whenever said Council is of opinion that any such house or hall is unsafe in case of fire, and that such fire escapes should be provided, it shall so declare by resolution and order that such fire escapes should be provided, of which action said owner, tenant, lessee or manager shall be given notice. Such notice shall be given by the delivery to such owner, tenant, lessee or manager by the Chief of Police of the City of Denison, of a true copy of such resolution or order, and said Chief of Police shall also file in the office of the City Secretary of the City of Denison a copy of the same, showing how and when the same was served. All fire escapes which may be ordered hereunder, shall be constructed subject to the approval of the fire committee of the City Council of the City of Denison.

Art. 18. Any owner, tenant, lessee or manager of any opera house or hall in the City of Denison, where people habitually assemble, who shall permit such assemblage, and any person who shall take part or participate in any entertainment given in said house or hall, after the same has been declared unsafe and the establishment of fire escapes ordered by the City Council of the City of Denison, and before such fire escapes have been provided in accordance with the provisions of the two preceding articles, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

CHAPTER III.

Prevention of Fires.

Art. 19. It shall be unlawful for any person in this city to carry any brand, burning coals or other fire in or through any street, square or other place unless the same shall be securely shut up in a covered vessel, or to make any fire, burning any shavings, paper, trash or other combustible material in any public or private place outside of a house or building, unless the person so making such fire, or burning such material, shall keep a good and sufficient guard, while said fire is burning, to prohibit any and all danger from fire to any building or other property.

Art. 20. Every hatch, elevator, opening, stairway opening or well hole on the floor of any building within the city shall be securely protected, either by a close-fitting lid or a fixed railing not less than three feet high, to prevent firemen and others from falling through the same.

Art. 21. The smokestacks and chimneys of every mill, factory, foundry, machine shop or other establishment in this city where steam power is used, shall be erected to a height of not less than twenty feet above the adjoining buildings.

Art. 22. It shall be unlawful to carry in or through any place, public or private, in this city, containing hay, straw, cotton, shavings, or other combustible material, lighted candle, lamp, torch, brand or other fire, unless the same be securely enclosed and protected in a covered vessel.

Art. 23. It shall be unlawful for any person or persons to deposit

any ashes, cinders, embers, make any fire or do anything at any place, or at any time, calculated or likely to cause or set fire to or in the surrounding buildings or other property.

Art. 24. It shall not be lawful for any person, firm or company to deposit or keep on hand, in any street, alley, lot or other place in this city, within fifty feet of any dwelling or other house, where there is a fire kept or used, any hay, straw, shucks, fodder, shavings or other combustible material, unless the same be securely enclosed and covered so as to protect it from flying sparks or fire.

Art. 25. Any person who shall violate any of the preceding provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than two nor more than one hundred dollars, and each and every day in which any of said provisions are violated shall constitute a separate offense.

Art. 26. It shall be unlawful for any person to burn any trash or paper against or near to any curbing in said city, and persons violating this article shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than three nor more than fifty dollars for each offense.

CHAPTER IV.

Interfering With Fire Department.

Art. 27. No person shall, under any pretext whatever, take or use any of the implements, tools or apparatus belonging to the fire department, without first obtaining permission and consent of the chief; and it shall be the duty of every fireman knowing of such offense to report same to his chief, and said chief to make complaint to the chief of police, who shall take action in the matter; and for every violation of this article the person guilty of such violation shall be subject to a fine of not less than two nor more than twenty dollars.

Art 28. All persons in the streets and alleys of the City of Denison, whether walking, riding or driving, shall give right of way to all vehicles and engines of the fire department of the City of Denison when answering alarms or going to fires, and it shall be unlawful for any person to wilfully ride or drive in front of such vehicles or engines in such manner as to cause delay or fail to give such vehicles full right of way or to obstruct or hinder such vehicles in any manner.

Art. 29. All drivers or other firemen in charge of any vehicles of the city fire department shall give continuous warnings of approach when answering alarms or going to fires.

Art. 30. Any person violating any of the provisions of the two preceding articles shall be fined in any sum not less than one dollar nor more than twenty-five dollars.

CHAPTER V.

Creating Office of Fire Marshal and Defining Duties.

Art. 31. The office of Fire Marshal is hereby created. Such office shall be independent of other city departments; the Fire Marshal shall report directly to the Mayor and City Council. Such office shall be filled by appointment by the City Council within five days after this ordinance shall take effect. The said Fire Marshal shall be properly qualified for the duties of his office and shall hold his office subject to the will of the Council. The salary of the Fire Marshal to be fixed by the Council, payable in monthly installments, as full compensation for his services.

Art. 32. The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring within the City of Denison, by which property has been destroyed or damaged, and shall especially

make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four hours (not including Sunday) of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this ordinance. Such record shall at all times be open to public inspection.

Art. 33. The Fire Marshal, when in his opinion further investigation is necessary, shall take, or cause to be taken, the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination as herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimoy taken in the case.

Art. 34. The Fire Marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this ordinance a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The said Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

Art. 35. Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of said Fire Marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptious conduct during any of the proceedings of the Fire Marshal in the matter of said investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the Fire Marshal to cause all such offenders to be prosecuted. Any person being convicted of such misdemeanor shall be fined in a sum not exceeding twenty-five ($25.00) dollars.

Art. 36. All investigations held by or under the direction of the Fire Marshal may in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from such others and not allowed to communicate with each other until they have been examined.

Art. 37. The Fire Marshal shall have the authority at all times of the day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this ordinance, to enter upon and examine any building or premises where any fire has occurred, and other building and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

Art. 38. The Fire Marshal, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, quarterly or more often, to enter upon

and make, or cause to be entered upon and make, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if the said owner or occupant deems himself agrieved by such order, he may, within five (5) days appeal to the City Council who shall investigate the cause of the complaint and unless by its authority the order is revoked such order shall remain in force and be forthwith complied with by said owner or occupant.

Art. 39. Any owner or occupant of any building or other structure or premises, who shall keep or maintain the same when, for want of repair, or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein, shall be punished by a fine of not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars.

Art. 40. Any owner or occupant of any building or other structure, or premises, who shall keep or maintain the same with an improper arrangement of a stove, range, furnace or other heating appliance of any kind whatever, including chimneys, flues and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health or safety to persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasolene, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition, which shall be dangerous in character to the persons, health or property of others; or which shall be dangerous in the matter of promoting, augmenting or causing fires, or which shall create conditions dangerous to firemen, or occupants of such buildings, structure or premises other than the maintainer thereof, shall be punished by a fine of not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars.

Art. 41. No prosecution shall be brought under articles 39 and 40 of of this ordinance until the order provided for in article 38 be given, and the party notified shall fail or refuse to comply with the same.

Art. 42. The penalties provided for herein shall be recovered by the city in the same manner as provided by law for the enforcement of fines, forfeitures, and punishments for offenses against the city.

Art 43. Every day's maintenance of any of the conditions prohib-

ited in any of the foregoing sections shall be a distinct and separate offense.

Art. 44. All misdemeanors herein provided for shall be prosecuted, and all fines and forfeitures herein provided for shall be recovered and enforced, in the same manner as provided by law for the enforcement of fines, forfeitures, penalties or punishments for offenses generally against the city. (Adopted 1912).

CHAPTER VI.

Regulations as to Awnings in the Fire Limits.

Art. 45. It shall be unlawful for any person, firm or corporation to hereafter erect or maintain any awning in the business portions of the City of Denison and within the fire limits of said city, unless the same shall be constructed at least nine (9) feet and not more than eleven (11) feet above the surface of the sidewalk and wholly supported from the walls of the building in front of which such awining is erected by means of chains or rods and without posts or pillars of any kind, and same shall extend from the building out over the sidewalk for a distance of ten (10) feet and said awnings if ceiled at all shall all be ceiled with fire-proof material, and the awnings in each block shall be of uniform height, width and style and construction, and awnings in front of each building in each block within said limits shall be joined with and attached to the awnings in front of every other building in said block, so that when such awnings shall have been erected in front of each building in each block, said awnings shall be one continuous awning of uniform heighth, width and style of construction in each block in said limits.

Art. 46. Whenever any awning that is now erected or which may hereafter be erected within said limits shall become so defective that the same shall be considered defective by the City Council, then in that case it shall be the duty of the Chief of Police upon the order of the City Council to serve the owner or agent of the owner of the property in front of which said awning is situated with a notice to appear before the City Council and show cause why said awning should not be condemned and the removal of same ordered, and said notice shall be served five (5) days before the meeting of the City Council ordering such hearing to be had, and after the service of said notice upon the owner of said property or the agent of said owner, the City Council shall have a hearing and if it be decided that said awning be unsafe or defective, the Council shall by written order to the owner of said property or the agent of said owner, require the said awning to be removed within five (5) days, and should the owner or the agent of the owner fail or refuse to remove said awning after five (5) days have elapsed after the time of delivery of said order, then it shall be the duty of the Chief of Police to execute the order of the Council and remove said awning and the cost of such removal shall be charged against the owner of the said property, and said costs shall be secured by a lien against the property and said lien be foreclosed in any court having jurisdiction.

Art. 47. Any person who shall violate any of the provisions of the "Awning Ordinance," (Articles 45 and 46) adopted by the City Council of the City of Denison, entitled, "An ordinance entitled an ordinance relating to the construction of awnings in the business portions and within the fire limits of the City of Denison, and providing for the kinds of awnings to be maintained and hereafter constructed over the sidewalks and in front of buildings in said limits of the business portion of said City of Denison, and prohibiting the further maintenance

of and repairing of awnings not constructed in conformity with the terms of this ordinance and to condemn awnings after notice to the owners to provide for the removal of awnings which may be condemned and to charge the owner and the abutting property with the costs of removal of same, and to create a lien in favor of the City of Denison upon the abutting property for the costs of such removal," shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one ($1.00) nor more than one hundred ($100.00) dollars, and each day that any owner of any defective awning shall fail to remove said awning after notice to remove same, as provided by law, shall constitute a separate offense, and each day that any awning erected after the adoption of said ordinance by said City Council, shall be allowed to stand or remain without being in compliance with said ordinance shall be deemed a separate offense. (Adopted 1914).

CHAPTER VII.

Regulating the Operation of Moving Picture Shows.

Art. 48. By the term picture machine as used in this ordinance is meant any machine or device operated by or with the aid of gas or electricity, adopted and used to project upon a screen or other surface, picture representations of any character which the public are admitted to view upon the payment of admission fee or otherwise.

Art. 49. Every picture machine installed, maintained or operated in the City of Denison shall be enclosed within metal booth (and no woodwork within booth shall be exposed) securely riveted or bolted at the joints, and every such booth shall be sheathed and roofed with sheet iron not less than No. 20 B. & S. gauge or with one-fourth (1-4) inch hard asbestos board, in either case to be securely riveted or bolted to frame. The booth shall be floored with sheet iron of not less than No. 20 B. & S. gauge or with one-fourth (1-4) inch hard asbestos board, in either case to be securely riveted or bolted to the frame.

Art. 50. All shelves, furniture and fixtures within the said booth shall be constructed of incombustible material and no material of any sort whatsoever of a combustible nature shall be allowed or permitted to be within such booth except the films used in the operation of the machine and the machine stand which may be wood covered with asbestos or metal.

Art. 51. Each booth shall be provided with a metal pipe not less than six inches in diameter for ventilating purposes, and the said pipe shall project through the top or side of the booth and be extended outside the roof or outer wall of the building within which such booth is situated.

Art. 52. The entrance door into the booth shall be no larger than two feet by five feet (2x5) and shall be of the same construction as booth, and so arranged as to close automatically either by means of springs placed on the interior and united to the framework, or by metal rope and weight attachment. The two catches of steel shall be provided, one 12 inches below the top and the other 12 inches above the bottom of the door; the latch bars shall be so connected by metal rod that one operation opens both latches. The office or opening for the operator's view through which the picture is thrown shall be no larger than 12 inches by 12 inches and shall be provided with a gravity door of the same construction as the booth which door shall be held open by fusible links placed in a series with fine cords so arranged that one of the links is suspended directly over the film when in slide of the apparatus or shall be so arranged as to be closed except when held open by pressure of the operator's foot.

Art. 53. All electric wiring in the booth must be provided with non-inflammable insulation. Each lamp connected with a picture machine must be provided with separate switches located within the booth. There shall also be located within the booth a switch controlling the lights in the exhibition room. There shall be provided a separate system of lighting controlled by a switch located in the ticket office or other convenient place outside the operating booth, operating red signal lamps and there shall be one such lamp placed at the exit, within a transparent sign, said sign shall be marked "EXIT" in letters not less than five inches high. The location of these lights and signs shall be determined by the City Fire Marshal. All electric wiring within the booth or ticket office or exhibition room must be done in accordance with the National Electric Code, to the satisfaction of the Fire Marshal.

Art. 54. All picture machines shall be equipped with incombustible magazines for receiving and delivering the film during the operation of the machine. A shutter must be provided and placed in front of the condenser of each machine so arranged as to remain closed until held open by pressure of the operator's foot or other approved device that will insure the immediate dropping of the shutter when operation of the machine is stopped. The films not in the machine shall be kept in metal boxes with tight fitting covers, within the booth enclosing the machine.

Art. 55. No person under the age of 18 years shall be permitted to operate any picture machine within the City of Denison.

Art. 56. No picture machine shall be installed, maintained or operated in any building that does not abut directly upon a street nor shall any machine be installed, maintained or operated in connection with any exhibition room that does not immediately and directly abut upon a street. In exhibition rooms directly abutting upon but one street, the booth enclosing picture machine shall be placed at the end of the room opposite and the farthest from the street. Every such room shall have at least two exits opening directly upon the street not less than six feet in width, and the curtain upon which the picture is projected shall be stretched across the end of the room nearest the street, and so arranged that the bottom of said curtain shall be at least six and one-half feet from the floor, leaving exit and entrance room beneath, and no seat shall be placed nearer than 10 feet to said curtain and no such room exceed 1,500 square feet of floor space to be occupied by sittings. In exhibition rooms located at the corner of any abutting two streets or a street and alley, the booth enclosing the picture machine may be located at the end of the room opposite to and farthest from either street or alley, every such room shall be provided with at least 3 exits, 2 open on one street and at least one upon the other alley or street, said exit to be not less than 6 feet wide and no such exhibition room shall exceed 2,000 square feet of floor space to be occupied by sittings. Exhibition rooms abutting directly upon 3 streets or on 2 streets and an alley shall not exceed 5,000 square feet of floor space to be occupied by sittings and shall have at least 2 exits upon each side to the 3 sides adjacent to the said alleys and streets respectively, said exits to be not less than six feet wide. An open court leading directly to a street or an alley and not less than 6 feet in width shall be deemed an alley for the purpose of this ordinance. All seats in any exhibition room for picture machines shall be securely fastened to the floor and shall be so arranged that there shall not be more than seven seats in a row. Between aisles and rows of seats shall be at least 30 inches apart. There shall be at least two aisles through the room and said aisles shall be at least 30 inches wide and all other aisles shall be at least two feet wide. All

doors must be arranged to swing outward and provided with approved fastenings. All exits and entrances opening directly from the exhibition room upon the street or alley. All aisles shall lead directly to exits and all exits shall be directly accessible to aisles. There shall be no stairway going up at the exits or any such exhibition rooms or moving picture show. No exhibition room or picture show shall contain any gallery or balcony and no such picture show shall be located above the first story or the ground floor of any building. Exits and entrances shall be on the level with the sidewalk or not greater than thirty inches above the sidewalk.

Art. 57. No moving picture show or exhibition by picture machine shall be opened to the public or operated in the City of Denison unless a permit shall have been first secured from the City Council; that said permit shall issue only after an application made in writing at an open session of said Council which application shall be referred to the commissioner in charge of the Fire Department for investigation and said Commissioner shall report at the next meeting whether or not all ordinances have been complied with, and unless said report is in the affirmative and recommends the granting of said permit same shall not be granted. Before said application is returned to the City Council for final approval it shall be approved by the Fire Marshal. That before said permit is issued, the applicant shall file with the Mayor, payable to the City of Denison, a good and sufficient bond in the penal sum of $500.00 conditioned that he will operate said exhibition or moving picture show in strict accordance with the ordinances of the City of Denison, and until said bond is executed and accepted by said Mayor it shall be unlawful to open or operate said picture show or public exhibition. The City of Denison reserves the right, and it shall be its duty, to cancel said permit and close up said place of exhibition or entertainment whenever same is not operated in strict compliance with the ordinance of said city. All picture shows now in operation shall comply with this ordinance to the satisfaction of the City Council within 10 days from the passage hereof; provided, said shows do not comply herewith after 10 days shall be deemed a menace to public safety and shall be closed up and discontinued.

Art 58. Any person, firm or corporation who shall violate any provision of the preceding articles of this chapter shall be deemed guilty of misdemeanor and upon conviction thereof in the Corporation Court shall be fined in any sum not less than ten ($10.00) dollars nor more than two hundred ($200.00) dollars, provided that each day such person, firm or corporation shall operate in violation of this ordinance shall be deemed a separate offense.

Art. 59. It shall be unlawful for any owner, manager, ticket seller, or the agent of any owner, manager, or ticket seller, of any picture show room wherein are exhibited motion pictures or any other pictures thrown upon any canvas or plate by machine to allow or permit any person or persons to remain standing in any aisle, passageway or entrance to such picture show room.

Art. 60. It shall be unlawful for any owner, manager or ticket seller of any picture show room to sell any ticket of admission thereto without forthwith providing a seat for the holder of such ticket.

Art. 61. It shall be unlawful for any person to stand in or otherwise obstruct any aisle, passageway or entrance of any picture show room in this city.

Art. 62. Any person violating any of the provisions of the three preceding articles shall, upon conviction, be fined in any sum not less than one ($1.00) dollar nor more than twenty-five ($25.00) dollars.

TITLE TWO.
Occupation and Other Taxes.

CHAPTER I.
Occupation Taxes.

Art. 63. That there shall be levied and collected from every person, firm, company, corporation, or association of persons pursuing any of the following named occupations in the City of Denison, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as hereinafter provided in this chapter.

Art. 64. From every traveling person, selling patent or other medicines, fifty dollars; and no traveling person shall so sell until said tax is paid.

Art. 65. From every auctioneer doing business in the city, annual tax of five dollars.

Art. 66. From every person, firm or association of persons selling upon commission, an annual tax of three dollars and fifty cents.

Art. 67. From every itinerant physician, surgeon, occulist or medical specialist of any kind traveling from place to place in the practice of his profession, except dentists, an annual tax of twenty-five dollars.

Art. 68. From every person or firm keeping a shooting gallery, at which a fee is paid or demanded, an annual tax of fifteen dollars.

Art. 69. From all persons keeping or using for profit any hobby-horse or flying-jenny, or device of that character, with or without name, seven dollars and fifty cents.

Art. 70. For every billiard or pool table, or anything of the kind, used for profit, ten dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

Art. 71. For every nine or ten-pin alley, or other alley used for profit, by whatsoever name called, constructed or operated upon the principle of a bowling alley, and upon which balls, rings or other devices used as substitutes, are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, fifty dollars. Any such alley used in connection with any drinking saloon or drug store, or place where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

Art. 72. For any exhibition where acrobatic feats are performed for profit, not connected with the circus, five dollars for each performance.

Art. 73. For every sleight-of-hand performance, or exhibition of legerdermain not connected with a theater or circus, twelve dollars and fifty cents.

Art. 74. For every concert, where a fee for admission is demanded or received, one dollar; provided, that entertainments when given by citizens for charitable purposes, or for the support or aid of literary or cemetery associations, are excepted.

Art. 75. From every person canvassing for sale of lightning rods, an annual tax of fifty dollars.

Art. 76. From every person, firm or association of persons follow-the occupation of cotton broker, cotton factor, an annual tax of seventeen dollars and fifty cents; provided, a merchant who pays an occupation tax shall not be considered a cotton broker.

Art. 77. From every pawnbroker, an annual tax of seventy-five dollars.

Art. 78. From every person, firm, or agency or association of persons dealing in sewing machines, an annual tax of seven dollars and fifty cents; provided, that a merchant who pays an occupation tax shall not be required to pay this special tax for selling sewing machines.

Art. 79. From each gas company manufacturing gas, seventeen dollars and fifty cents.

Art. 80. From every electric light company, seventeen dollars and fifty cents.

Art. 81. Moving Picture Shows.—From each owner or keeper of every kinetoscope, cimetograph, or similar machine or instrument used for profit, which shows the life-like motions of persons or animals, an annual tax of twelve dollars and fifty cents.

Art. 82. For every skating rink, an annual tax of twelve dollars and fifty cents.

Art. 83. From merchants removing bankrupt and damaged stock to this city; from every person, firm and association of persons removing to this city bankrupt stocks of goods or stocks of goods damaged by fire and water and offering said goods for sale, fifty ($50.00) dollars per month for the first month or less than a month, provided that when they remain for six months, in addition to the fifty ($50.00) dollars charged for the first month they shall pay an additional sum of ten ($10.00) dollars per month, and provided, further, that if said persons, firms or associations of persons remain in the city for a period of twelve months, he or they shall be required to pay in addition to the fifty ($50.00) dollars for the first month, the sum fixed in the preceding section according to class and amount.

Art. 84. From every foot peddler, two dollars and fifty cents; from every peddler with one horse or one pair of oxen, the sum of three dollars and seventy-five cents; from every peddler with two horses or two pair oxen, five dollars; provided, that nothing herein contained shall be so construed as to include traveling vendors of literature or traveling vendors of poultry, vegetables, fruits or other country produce exclusively, and fruit trees exclusively.

Art. 85. From every theater or dramatic representation for which pay for admission is demanded or received, two dollars and fifty cents per day for every day they may perform; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included; provided, however, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theaters; but in lieu of said tax the managers of said opera houses or theaters shall pay an annual occupation tax of twelve dollars and fifty cents.

Art. 86. From every person or firm who peddles out clocks, agricultural implements, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, an annual tax of one hundred and twenty-five dollars; provided, that a merchant who pays an occupation tax as now required by law shall not be required to pay this special tax for selling the articles named in this section.

Art. 87. From every circus wherein equestrian or acrobatic feats and performances are exhibited, for which pay for admission is

demanded or received, for each performance or exhibition where an admission fee of one dollar is charged, one hundred and twenty-five dollars; for each performance or exhibition where admission fee of seventy-five cents is charged, one hundred dollars for each performance where fifty cents or less is charged, fifty dollars; provided ,that the amount of fee charged for reserved seats shall be considered as a part of such admission fee; provided, that where there is a combination of circus and menagerie, or circus and other exhibitions, the highest tax fixed by this law for any division or department of the combination shall be collected; provided, further, that every show or exhibition which advertises itself as a circus and menagerie, or a combination of circus and menagerie, shall be held and construed to be a circus or a menagerie, or a circus and menagerie, whether it be such or not.

Art. 88. From every menagerie, wax-works, side show or exhibition, whether connected with a circus or not, where a separate fee for admission is demanded or received, five dollars for every performance or exhibition in which fees for admission are received.

Art. 89. From each waterworks company operating a waterworks plant, seventeen dollars and fifty cents.

Art. 90. From each person or corporation, who are wholesale dealers, selling imported or home-made ice to the trade to be sold again, fifteen dollars.

Art. 91. From every street car company, one dollar per mile on each mile of track owned by said company or corporation in this city.

Art. 92. From each owner or manager of every phonographic, or other like machines or instruments where a fee is charged, an annual tax of twelve dollars and fifty cents.

Art. 93. From each owner, manager or keeper of every panorama or view show, used for profit, exhibiting in a wagon, room, tent or elsewhere, an annual occupation tax of five dollars. A panorama or view show, in the meaning of this act, is a show exhibiting pictures, statuary or other works of art which are to be viewed through stereoscopic or magnifying lenses.

Art. 94. From each owner, manager or keeper of every show or company or persons giving exhibitions of music, songs, recitations, sleight-of-hand, gymnastic, dancing or other kinds of performances in a tent, house or elsewhere, which said exhibitions are used for profit by sale of medicines, electric belts or other articles of value, whether charge is made only for seats or not, an annual occupation tax of twenty-five dollars.

Art. 95. From every person, firm or association of persons selling on commission, twenty-five dollars. This article is intended to cover every person, firm or association of persons selling on samples only, and who do not carry any stock of merchandise or anything else on hand; provided, that this tax shall not apply to commercial travelers or salesmen making sales or soliciting trade from merchants.

Art. 96. From every or all dealers in cigarettes in this state, the sum of five dollars per annum, a cigarette being within the meaning of this act the same as defined by the laws of the United States government; provided, that this tax shall be in addition to the occupation tax levied on merchants, and any other tax levied under the law; and provided, further, that the license shall describe the house and locality where the dealer proposes to sell cigarettes.

Art. 97. Any person, either as principal or agent, who shall pursue any business or occupation taxed by the ordinances of the City of Denison without first having paid such occupation tax and obtained

from the Assessor and Collector his license therefor shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not exceeding twenty-five dollars for each day of violation of this article, provided, that any person arrested and prosecuted under the provisions of this article, may have such prosecution dismissed upon payment of the tax due with the costs of the prosecution to date of such payment.

Art. 98. All persons, firms or corporations engaging in the business of selling at retail in the City of Denison any non-intoxicating malt liquor shall pay to the City of Denison an annual occupation tax of one thousand dollars before engaging therein, and shall secure a permit to engage therein from the Mayor or City Council of the City of Denison.

Art. 99. Any person selling or causing to be sold within the City of Denison, Texas, any non-intoxicating malt liquors without comply ing with these provisions of the preceding article shall be fined in the sum of not less than twenty-five dollars nor more than two hundred dollars, and each sale in violation hereof shall constitute a separate offense; provided, that this ordinance shall not apply to regular druggists or pharmacists, who, as such, keep for sale as a part of a regular drug stock such non-intoxicating malt liquors as used exclusively as medicine and not as a beverage.

Art. 100. That all licenses issued for the pursuit of occupations herein taxed shall be for the municipal year beginning and ending at noon March 31st; provided, that such license may be obtained at any time for the unexpired portion of the year, upon the payment of the proper proportion of the prescribed tax; provided, further, that quarterly licenses may issue in any case where the annual tax amounts to ten dollars or more. No license shall be transferable except by permission of the City Council.

Art. 101. That the taxes hereinbefore levied shall be assessed and collected by the Assessor and Collector; and it shall be the duty of any person, firm or corporation subject to an occupation tax or license in said city, or desiring to open, undertake or carry on any business, profession, trade or avocation, upon which an occupation or license tax is imposed, before proceeding to carry on said business, if no license has as yet been procured, or the same remains due, or before opening, undertaking or carrying on any such business, profession, trade or avocation, to call upon the Assessor and Collector and pay to him the amount of such license or occupation tax; and it shall be the duty of the Assessor and Collector to receive the tax and issue a license or receipt to such person, firm or corporation, describing the business, calling or profession.

Art. 102. It shall be the duty of every person, firm or member of a firm, or corporation doing business within the city to have hung up or posted in their office or place of business, in a conspicuous place, the receipt of the Assessor and Collector, or license, as hereinbefore provided. Any person who shall fail to comply with the provisions of this article shall be fined in any sum not exceeding ten dollars for each day the violation of this ordinance may continue.

TITLE THREE.
Officers.

CHAPTER I.
Oath, Bond and Qualifications.

Art. 103. The following official positions and offices under the Commission Form of Government be, and the same are hereby created, subject to the charter provisions set forth in Section 8, Article 7, of the New Charter of the City of Denison, to-wit: A City Attorney, Chief of Police, City Assessor and Collector, Treasurer, City Jailer, Chief of the Fire Department, City Physician, Street Commissioner, and City Engineer.

Art. 104. Every person elected or appointed to any office under the charter or city ordinances shall, before he enters on the duties of his office, take the official oath prescribed in the Constitution of the State, together with such additional oath as may be, or has been, prescribed by the City Council.

Art. 105. Every person elected or appointed to any office under the charter and ordinances of the city, shall, before he enters upon the duties of his office, enter into bond, with two or more sureties, payable to the City of Denison, for the faithful performance of his duties, to be approved by the City Council in such sums as may be by resolution required by the City Council.

Art. 106. Resignation by any officer appointed by the Mayor, or appointed by the Mayor and confirmed by the City Council, shall be made to the Mayor in writing, for his action. Resignations of all other officers shall be made to the City Council, in writing, for their action. If any person shall fail to qualify within ten days after he shall have been notified of his election or appointment, by the City Secretary, his office shall become vacant, except in case of sickness or unavoidable accident.

Art. 107. No person other than an elector of the city and resident therein shall be elected or appointed to any city office by the City Council.

Art. 108. That each officer of the city shall prepare a full and exact inventory and list of all effects, furniture, records, books, archives, papers and other property belonging to his office or department, and owned by the city, and at the close of his term of office he shall deliver the same into the possession of his successor, taking his receipt therefor in duplicate, one of which he shall deliver to the City Secretary, which shall be filed and kept in his office.

CHAPTER II.
City Attorney.

Art. 109. There shall be elected by the City Council of the City of Denison a City Attorney who shall hold office until his successor shall be elected by the City Council. It shall be his duties to represent the city in all cases brought for or against it in any court of the United States, State, County or City, when requested by the Mayor or City Council. He shall give legal advice to the Mayor or any officer or to the City Council when applied to for such. He shall prepare all ordi-

nances, examine, supervise and prepare all contracts made by the city. He shall receive such salary as shall be named by resolution of the City Council. He shall take the oath of office as prescribed by the State Statutes.

Art. 110. It shall be the duty of the City Attorney to prosecute before the City Court and upon appeal to the County Court cases for violation of any of the ordinances of the city, and all the laws of the State when such cases are within the jurisdiction of the City Court and complaint has been filed therein.

Art. 111. It shall be the duty of the City Attorney to institute and prosecute all suits of the city for the collection of monies due the city for taxes, assessments for street improvements, breaches of contract, forfeiture of bonds and all other things whatsoever, upon order of the City Council or request of the Mayor.

Art. 112. That the City Attorney, or any other officer designated by the City Council of the City of Denison for the purpose of collecting the delinquent taxes due said city, who shall fail to use due diligence in the collection of all taxes due said city shall at once be discharged from the services of the city, and each and every failure shall be a esparate offense, and subject such person or persons to a fine of two hundred dollars in each failure or separate offense.

CHAPTER III.

City Engineer.

Art. 113. There shall be elected by the City Council of the City of Denison a City Engineer, who shall be a professional engineer, and shall hold office until his successor is elected by such City Council or until his resignation is accepted. He shall receive such salary as the City Council may fix by resolution.

Art. 114. It shall be the duties of the City Engineer to make surveys, give grades, run lines, submit plans and specifications and do such engineering work as is directed by the City Council. He shall have and exercise general supervision over all work undertaken by the City Council upon the streets, alleys, sidewalks, and other public work of the city. He shall give instructions as to plans of grading and otherwise improving the same and for the construction of culverts, bridges, drains, ditches and all other improvements by the city. He shall have supervision of all parties contracting to do any work for the city and in event of their failure to promptly do such work shall immediately report same to the City Council.

CHAPTER IV.

City Treasurer.

Art. 115. There shall be elected by the City Council of the City of Denison a City Treasurer, who shall hold office until his successor is elected; he shall receive such compensation as may be prescribed by resolution of the City Council.

Art. 116. The City Treasurer shall give bond to the City of Denison in such sum as the City of Denison may require, conditioned for the faithful discharge of his duties. He shall receive and securely keep all money belonging to the City of Denison; make all payments of the same upon order of the Mayor, attested by the City Secretary under seal of the Corporation. He shall render a full and correct statement of his receipts and payments to the City Council at such times as the Council may require.

Art. 117. The City Treasurer shall keep a full set of books such as

is necessary for the properly conducting the business of the office; he shall keep an account with each appropriation or fund made, with its disbursements; and when any fund or appropriation is exhausted he shall report same to the proper committee.

Art. 118. The City Treasurer shall pay no draft not drawn on some specific fund or appropriation, and the fund or appropriation shall appear on the face of the draft.

Art. 119. All monies received of any officer of the City of Denison on account of the city, for any taxes, licenses, fines or other monies due the city, shall be paid into the City Treasurer's hands not later than the last day of each month. All officers of the city receiving money on account of same shall keep an accurate record of such receipts and to whom same was paid.

Art. 120. It shall be the duty of the City Treasurer of the City of Denison to cancel all bonds, warrants or other evidences of the city's indebtedness as soon as paid by stamping or otherwise marking the same on the face thereof as paid; and said bonds, warrants or other evidences of debt when paid shall be filed with his reports to the City Council.

CHAPTER V.

Assessor and Collector, Duties of.

Art. 121. The Assessor and Collector shall receive such compensation as may be fixed by the City Council prior to his election, as provided in the City Charter.

Art. 122. He may, by consent of the City Council and subject to their approval, appoint, at his own expense, one or more deputies, who may, in his name, perform all such duties and exercise all such powers in regard to the assessment and collection of taxes as are herein conferred upon the Assessor and Collector, and who shall take such oath as is prescribed in the Constitution of the State, and for whose acts as such deputy the Assessor and Collector and his bondsmen shall be responsible.

Art. 123. The Assessor and Collector is authorized to require the owners of all property subject to taxation to render a correct account of same to him under oath, giving values of same, and he shall give notice to all persons owning property to appear forthwith at his office and render same for assessment, which notice shall be published in the official paper of the city, or other newspaper published in the city, for a period of ten days prior to January first. If any person, whose duty it may be to render property for assessment, shall fail to make such redition within the time prescribed in such notice, then the Assessor and Collector shall assess such unrendered property as herein prescribed.

Art. 124. Whenever the Assessor and Collector shall ascertain that any taxable inhabitant or any real or personal property has not been assessed for any former year, he shall assess same in his next assessment roll, in a supplement thereto, at the same rate under which said inhabitant or property should have been assessed for such year, stating the year which such inhabitant or property should have been assessed.

Art. 125. Whenever any party rendering property for assessment cannot agree with the Assessor and Collector on the valuation of such property, it shall be the duty of the Assessor and Collector to refer the same to the Board of Appeals for appraisement at their next regular meeting.

Art. 126. It shall be the duty of the City Assessor and Collector to make out a list of all property, both real and personal, which has

not been given in for assessment on or before the first day of June of each year, and assess the same in the name of the owner, if he be known, and if not, then it shall be assessed by description of the property and as unknown, and the value of such property shall be determined by the Board of Appeals.

Art. 127. It shall be the duty of the Assessor and Collector, immediately after the first day of June of each year, to ascertain what property in the city subject to taxation shall be by him presented to the Board of Appeals for valuation by said officer and board, and then shall by him be entered in a supplement to the assessment roll as unknown. And when the unknown and unrendered roll has been completed he shall present the same to the Board of Appeals for valuation.

Art. 128. It shall be the duty of the City Assessor and Collector to report to the City Council his assessment rolls, as soon as they are completed, for acceptance.

Art. 129. That in all cases where any dealer in merchandise, wares or goods of any kind subject to ad valorem or occupation taxes, or both, under the provisions of the charter and ordinances of said city, who shall, after the rendition or assessment of said goods, wares or merchandise for taxation, or, after becoming liable for any occupation tax, become bankrupt, or make an assignment of said merchandise, wares or goods, or sell out the same in bulk, or move same out of city, then the Assessor and Collector of taxes shall at once present to the receiver, assignee or vendee of said dealer for payment the amount due for said taxes on said goods, wares or merchandise, and in case of failure of said receiver, assignee, or vendee to at once pay the amount of said taxes, the said Assessor and Collector shall levy upon, seize and sell from the said merchandise, goods and wares in default of the payment of said taxes. And whenever any merchandise, wares or goods shall be levied upon or seized under any writ of attachment or execution upon which the city has a claim for taxes unpaid, the City Assessor and Collector shall present for payment, to the officer levying said writ of attachment or execution, the amount due for said taxes on said goods, wares or merchandise; and in case of failure of said officer or the plaintiff in said writ at once to pay the amount of said taxes, the Assessor and Collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise to satisfy the amount of said taxes.

Art.130. That the Assessor and Collector shall, in the making of all assessments, sales of property levied upon for taxes, advertising same and making deeds to purchaser, be governed by the general laws of the state regulating the sales of property for state and county taxes, when not otherwise directed by the charter and ordinances of the city.

Art. 131. Should the Assessor and Collector of taxes fail to make sale of any real estate or personal property for want of a purchaser, the Mayor shall bid the same off to the city for the taxes, interest, penalties and all costs accruing thereon; and thereupon the city shall receive, in the corporate name, a deed for said property, and shall be vested with the same rights as other purchasers at such sales; and shall have power to sell and convey the same; and one deed shall include all parcels of lands or lots bid off to the city in any one day at such tax sale, and after sale and purchase by the city of any real estate, it shall not be lawful for said Assessor and Collector to levy upon or advertise, or sell the same for any remaining or accrued taxes due thereon until the same shall have been redeemed by the owner or is so'd by the city.

Art. 132. That if any person shall fail or refuse to pay any license or occupation tax when due and payable, the Assessor and Collector

shall notify the Chief of Police, whose duty it shall be to cause the arrest and prosecution of such delinquent before the City Court, and the Assessor and Collector shall likewise, at the first meeting of the City Council thereafter, report to said body a list of all such delinquents. But any person arrested and prosecuted under this article may have said prosecution dismissed upon payment of the tax due, with all costs therein.

Art. 133. That upon the expiration of two years after the sale of any real estate for taxes to the city, in case the same is not redeemed, the Assessor and Collector shall make out a list of all such real estate sold as aforesaid, with a statement of the taxes, interest, penalties and costs due thereon, and deliver same with the tax deeds to the City Attorney for suit or collection.

TITLE FOUR.
Plumbing.

CHAPTER I.
Plumbing Regulations.

Art. 134. There shall be elected by the City Council an Inspector of Plumbing who shall hold office and receive such salary as prescribed by resolution of the City Council. Nominations for such office may be made by the plumbing board.

Art. 135. It shall be the duty of the Plumbing Inspector to issue all permits for plumbing work, or have same done, and to furnish the City Secretary with a detailed statement of the fees for each job of plumbing inspected, together with the name of the plumber doing same; to inspect any plumbing of any character already in use or being constructed which he may have reason to believe is imperfect or out of repair, or have same done and by written order to the owner or agent in charge of any building or premises where any such imperfect plumbing may be located, or to the plumber of construction of same, stop the construction or use of same until same shall have been properly constructed or repaired; and he shall have the power to enter into any house or premises in said City of Denison at any time between the hours of nine a. m. and five p. m. to inspect any such plumbing; and no owner or agent in charge of any building or premises, nor plumber in charge of the plumbing, in said city who shall receive written notice from the Plumbing Inspector that the plumbing is being improperly constructed or is out of repair, shall continue the construction of such plumbing or use the same in any way until the same shall have been constructed or repaired so as to conform to this ordinance.

Art. 136. Said Inspector of Plumbing shall also investigate all alleged violations of the plumbing ordinance reported to him, and file complaints against all he may have reason to believe are guilty of any such violation and to perform other such services as may be required of him by the City Council.

Art. 137. No person shall do any plumbing of any character, or repair any plumbing work or make any extensions of plumbing, or change the location of any plumbing fixtures, except as hereinafter prescribed, in said city, until he has received a permit to do same from the Inspector of Plumbing, describing the character of the plumbing work or repairing proposed to be done, together with the exact location of same, the number and location of street openings, if any, and the number, name and character of plumbing fixtures to be repaired or to be put in, provided that no such application need be made and no permit issued for repairs or leaks in pipes, traps or cocks, opening up waste or supply pipe, traps or drains, in replacing any broken fixtures, or water pipes. Applications for permits for connections will give the number of lot and block and the name of the addition, and the trench to be excavated to connect with the proper Y junction intended for that lot, to be located by the sewer engineer the cover and seal of the Y junction to be carefully removed, and all work must be done with care so as not to break or disturb the Y or any part of the main sewer.

Art. 138. No inspections shall be made on, nor permits issued for

plumbing work until all inspection fees have been paid. The following inspection fees shall be collected for plumbing work, extensions or repairs, to-wit: For the first inspection of one fixture there shall be charged and collected fifty cents as inspection fee and for the inspection of each additional fixture twenty-five cents shall be charged and collected as inspection fee. The term fixtures used in this ordinance shall include the following: water closets, catch basins, zinc traps, slop sinks, bath tubs, sitz tubs, catch sinks, urinals, wash basins, pantry sinks, wash trays, drinking fountains, showers, boilers, water heaters, hopper closets, floor drains where not connected to catch basins, sewer, each section of section fixtures, each other part of plumbing which is connected to water or sewer pipe.

Art. 139. No plumber shall do any plumbing work for which the inspection by the Inspector of Plumbing is required by this ordinance without first securing the permission from the Plumbing Inspector to do such work. The Plumbing Inspector shall not issue permit to any plumber to do any work unless inspection fees shall have been paid in advance.

Art. 140. The Inspector of Plumbing shall give the owner or agent in charge of any building or premises, or master, or contracting plumber, or plumber in charge of any work, written notice of any defects in said plumbing or changes of repairs necessary, and such owner, agent or master plumber or contracting plumber, or plumber in charge, shall, within five days from receiving such notice, make the necessary changes or repairs.

Art. 141. No plumbing work or drains shall be covered or concealed until it has been inspected and accepted by the City Inspector of Plumbing or under his direction.

Art. 142. The master plumber in charge of the work shall be responsible for the construction and completion according to the ordinance and regulations governing plumbing and drainage work in the City of Denison of all the interior drainage and supply pipes within the buildings and their proper connections to the main house drain leading to public sewer and connection to sewer.

Art. 143. Application for inspection must be made to the Inspector of Plumbing when work is ready for inspection at least four hours before such inspection is desired.

Art. 144. All plumbing work shall be inspected by the City Inspector of Plumbing, or under direction, as follows:

Section 1. When the main house drains are laid and before they are covered, the sewer pipes shall be examined and inspected as often as necessary to see that they conform with the requirements of this ordinance.

Sec. 2. When the soil, waste and vent pipes within the building are in place connected to the traps when such traps are below floor level and before being covered or concealed, they shall be filled with water to top of stack above the roof; if leaks are indicated they shall be corrected by the master plumber, contracting plumber or plumber in charge of the work as directed by the plumbing inspector by removing all defective material and replacing same with sound material, and new water tests shall be applied until the work is found to be tight and to conform with the requirements of this ordinance.

Sec. 3. When the work is fully completed and ready for the occupancy, there shall be notice of the completion of same given to the Inspector of Plumbing. Immediately after the completion of the work

the inspector may, if he thinks necessary, subject the work to a smoke or peppermint test. When the work has been properly inspected, tested and approved by the inspector, he shall issue a certificate of acceptance to master plumber, and no water shall be turned on by the city, or plumbing fixture used, until the master plumber or owner has obtained this certificate from the Inspector of Plumbing.

Art. 145. All extensions to work in buildings shall be done, tested and inspected as required for new work by the terms of this ordinance.

Art. 146. When soil or waste pipes are placed in buildings for future use or where there are no sewer connection to be had, the necessary ventilation and drain pipes shall be put in and the work tested and inspected as if for immediate use, all openings not in use must be closed, calked or soldered.

Art. 147. Plumbing work may be tested in sections. There shall be another test made after the various lines have been connected together as provided in article 144 of this ordinance. Sections tested in this manner shall carry a pressure to equal the amount of pressure same will carry when system is filled with water.

Art. 148. A house or building, as such terms are used in this ordinance, shall include any structure enclosed by walls and covered with a roof.

Art. 149. Each residence, building or tenement, and each apartment of every flat or apartment house shall be supplied with separate plumbing fixtures.

Art. 150. No permit for a basement drain shall be granted until the owner of the building has executed and signed a written agreement releasing the City of Denison from any damage that may result from basement being flooded by the stoppage of sewers, which agreement shall be filed with the Inspector of Plumbing.

Art. 151. No rain water or down spout pipes, range boiler pipe, or other pipe used to convey water or other substance of like character except the pipes necessary to plumbing systems shall be connected to any sanitary sewer.

Art. 152. All drains, waste, vent and revent pipes shall be of standard cast iron pipe, or extra light lead pipe, in all and in two-story buildings and in buildings of more than two stories extra heavy cast iron pipe and said pipe shall extend at least three feet outside of walls of building; waste pipes shall have extra heavy brass head clean-outs at foot of each stack; all cleanouts shall be brought to ground or floor level and be accessible; cleanouts shall be of same size as the waste pipe, except where the waste pipe is larger than four inches, when a four-inch cleanout will suffice. All vent pipes shall extend at least two feet above highest opening in main roof, if stack is within twenty feet of opening, and when not vertical, must have a continuous grade.

Art. 153. In all buildings which are over two stories high, all pipes and fittings shall be of extra heavy cast iron or extra light lead.

Art. 154. Fittings for drain and waste pipes shall be standard cast iron in all one and two-story buildings, and openings and change of directions for fixtures shall be made with "Ys" 1-6, 1-8 or 1-16 inch bends. Sanitary "Ts" and crosses or 1-4 bends will be allowed only where it is impossible to use the aforesaid designated fittings.

Art. 155. The proper size of waste pipe for a fixture shall not be less than the following sizes, and for additional fixtures increase in size as follows:

EXTRA LIGHT LEAD PIPE OR STANDARD CAST IRON PIPE.

	INCHES						
	1¼	1½	2	3	4	5	6
Closets							36-50
Sand Traps					1-20	21-35	36-50
Catch Basins					1-20	21-35	36-50
Slop Sinks					1-20	21-35	36-50
Bath Tubs				1-5	6-20	21-35	71-100
Seitz Tubs		1	2-4	5-10	11-40	41-70	176-250
Kitchen Sinks		1	2-4	5-10	11-100	101-175	176-250
Urinals		1	2-4	5-10	11-100	101-175	176-250
Wash Trays		1	2-4	5-10	11-100	101-175	176-250
Wash Basins		1	2-4	5-10	11-100	101-175	176-250
Pantry Sinks	1	2	3-8	9-20	21-100	101-175	176-250
Drinking Fountains	1	2	3-8	9-20	21-100	101-175	176-250

Art. 156. In all one and two-story buildings standard vent branches, inverted "Ys" or plain "Ts" shall be used in openings left in vent pipes to revent fixtures.

Art. 157. Revent pipes for a fixture shall not be less than the following sizes, and for additional fixtures increased in size as follows:

EXTRA LIGHT LEAD PIPE OR STANDARD CAST IRON PIPE.

	INCHES						
	1¼	1½	2	3	4	5	6
Closets		1	2-4	5-10	11-20	21-35	36-50
Sand Traps		1	2-4	5-10	11-20	21-35	36-50
Catch Basins		1	2-4	5-10	11-20	21-35	36-50
Slop Sinks		1	2-4	5-10	11-20	21-35	36-50
Bath Tubs	1	2	2-4	5-20	21-40	41-70	71-100
Seitz Tubs	1	2	2-4	5-20	21-40	41-70	71-100
Kitchen Sinks	1	2	2-4	5-20	21-40	41-70	71-100
Urinals	1	2	2-4	5-20	21-40	41-70	71-100
Wash Trays	1	2	2-4	5-20	21-40	41-70	71-100
Wash Basins	1	2	2-4	5-20	21-40	41-70	71-100
Pantry Sinks	1	2	2-4	5-20	21-40	41-70	71-100
Drinking Fountains	1	2	2-4	5-20	21-40	41-70	71-100

Art. 158. Each building, house or outhouse must be provided with at least one four-inch waste or vent stack, and for every branch of twenty feet or more in length within the same building same shall extend through roof or brought back to main stack with two-inch pipe; where conditions require a five or six-inch waste or drain pipe within the building, then there shall be a five or six-inch drain pipe carried out through roof, and for every branch of twenty feet or more within the building in length, same shall extend through roof or be returned to main stack with four-inch pipe.

Art. 159. Where revent pipe are connected into main stack, it shall be at a point at least one foot above highest fixture and between revents one foot.

Art. 160. No continuous revent shall be placed more than twelve inches from the trap it serves, and the center of the outlet between waste and vent shall not be set below the water seal of the trap.

Art. 161. All closets revented in the rough must have revent as

close to floor line as possible, and in no case shall a waste enter above the revent opening.

Art. 162. Except as otherwise provided in this ordinance, each and every fixture must be revented and have water seal trap placed as close to fixtures as practicable.

Art. 163. Stacks, vents and revent pipes on outside of walls of buildings and houses shall extend straight through roofs and the opening in roof shall be flashed.

Art. 164. All drains from three feet outside of building to main sewer must be vitrified clay pipe with bells, or standard cast iron pipe laid to a uniform grade. Joints of clay pipe shall have bell holes provided or hemp gaskets put in and joints well cemented with two parts of well-screened sand and one part of best Portland cement, and cast iron pipe shall be calked with molten lead and oakum. No vitrified clay pipe shall be used for sewer connections unless it is at least six inches under ground, standard cast iron shall be used where it is less than six inches under ground.

Art. 165. All sewer, soil and waste pipe drains shall have a continuous fall, of not less than one-quarter of an inch to the foot, if obtainable.

Art. 166. Every water closet shall be supplied with water from a tank of not less than four gallons capacity, and no flush for same shall be less than one and one-quarter inches in diameter.

Art. 167. Water closets shall be of glazed earthenware or enameled iron, all exposed; provided, that the tank and seat may be of wood.

Art. 168. All closet openings, except long hoppers, must have lead ends and same turned over on floor, or brass floor flanges. Space in bottom of closet bowl shall be filled with an approved compound, and the closet securely fastened to floor.

Art. 169. Kitchen sinks shall have at least four by eight-inch drum traps with trap screw of not less than four inches, or, grease traps not less than ten inches by ten inches; provided, that sinks in any hotel, restaurant or other public cooking or manufacturing establishment must have grease traps of proper size.

Art. 170. Floor and cellar drains may discharge into a catch basin which must have a water seal at least ten inches deep; if in basement they shall be provided with gate valve or back water trap. Catch basins must not be less than twenty-four inches by twenty-four inches in size, made watertight and constructed of brick or concrete and plastered inside with at least one inch of cement.

Art. 171. Catch basins shall be considered fixtures and must be installed accordingly. Bell traps, connected to catch basins, are not classed as fixtures, and cast iron or tile may be used for connections to same.

Art. 172. Livery stables, barns, garages and carriage repositories shall drain into sand traps. Sand traps are to be considered fixtures, and same must be made of brick or concrete with iron cover, and made watertight and have a water seal of at least ten inches in depth. All such traps shall be made according to plans on file in Plumbing Inspector's office.

Art. 173. Bar and soda fountain trays may be connected with a large cast trap placed in floor close to bar or fountain, or each trap may be connected in the same manner as kitchen sinks. A two-inch waste pipe to catch basin for bar and fountain will suffice with one and one-half-inch revent pipe. Enameled iron sink set above floor or large size grease trap with proper openings left in same for waste pipes,

where conditions are such that catch basins cannot be built of brick or concrete.

Art. 174. All public urinals shall have an automatic flush tank to supply same or perforated brass pipe, and the floor under urinal shall be of non-absorbent material. Flush pipe shall be at least one inch in diameter.

Art. 175. Waste pipes for refrigerators or other receptacles in which provisions are stored shall not be connected directly with drain soil or waste pipe, but must drip in open tray, the tray being trapped and the lower end of waste pipe from tray discharged into some open fixture in constant use.

Art. 176. All lead bends and lead traps shall be of drawn lead and of not less than four pounds to the square foot.

Art. 177. All traps not herein provided for must have a water seal of not less than one and one-quarter inches in depth, and must be set true to water seal.

Art. 178. Drum traps not less than four by eight inches shall be used on wash trays, bath tubs, sinks, foot tubs, with brass trap screw not less than four inches, and shall be accessible.

Art. 179. All drum traps must be of drawn lead not less than four inches by eight inches, with trap screws at least four inches in diameter, and trap must be so constructed as to provide a water seal of at least two and one-half inches in depth, the outlet from all drum traps must be connected to trap at least one and one-half inches below the water line and extend upward at an angle of at least forty-five degrees to proper height, and shall continue with uniform fall to soil or waste pipe.

Art. 180. All solder joints between brass and lead, copper and lead or lead and lead, must be plumber's wiped joints, and the same must be constructed in a first-class workmanlike manner. No cup or overcast joints, either with soldering iron or cloth, shall be used.

Art. 181. All joints in cast iron pipes and fittings and all connections to cast iron, and between brass and cast iron, shall be made with picked oakum and molten lead.

Art. 182. All connections of lead pipes to cast iron pipes and fitting shall be made with standard brass ferrules calked to iron pipe and wiped to lead pipe.

Art. 183. Vent pipes shall have not less than four-pound lead flashing at roof with thimble of flashing calked into hub. Flashing shall be made and connected to vent pipe as shown in cut.

Art. 184. All plumbing fixtures shall be installed as open plumbing.

Art. 185. Sectional wash trays may be trapped and vented as follows: The waste pipe from one to three compartments of sectional wash trays may connect with one four-inch by eight-inch lead drum trap, trap to be revented. Additional compartments may be connected in the same manner.

Art. 186. Long hopper closets may be used in outhouses, if installed as follows: Four-inch standard cast iron soil pipe and fittings calked with molten lead and oakum, vent pipe to be at least four inches in diameter and extend at least two feet above highest opening in roof with half "S" or "P" water seal trap set below frost line to be used. Tank shall be of at least four gallons capacity with flush pipe of not less than one and one-fourth inches in diameter, with stop and waste on supply pipe. Tile pipe may be connected direct to same "T" or "Y" at wall line, provided same is at least twelve inches under ground, where there is more than one hopper closet under the same roof, each

one may be installed as before provided in this section, or revented as hereinafter provided in this ordinance.

Art. 187. Steam boiler blow-off, pump exhausts, and bleeds from engine heaters, and tanks shall empty into cast iron, brick or concrete blow-off tank, and vent pipe shall be carried through roof, from said tank to carry off steam and vapor, the tank to have water seal trap and drain pipe to discharge into a catch basin.

Art. 188. Pan, long hopper, plunger or other closets having a direct supply, or closets not having walls flushed with each discharge of tank, must be replaced with water closets as called for in this ordinance. Bell traps shall not be used except when they connect with a catch basin; unless same is provided with a gate valve and vented and trapped. Combination lead ferrules and combination lead bends shall not be used.

Art. 189. No soil pipe shall be laid below the cellar floor except when absolutely necessary, but will be fastened against the wall or to the floor timbers, keeping at all times on a grade of not less than one in forty-eight.

Art. 190. Every building will be separately and independently connected with the main or lateral sewer.

Art. 191. No person shall deposit any garbage, offal, dead animals, filth or any substance having a tendancy to obstruct the flow of sewerage in any man-hole, lamp-hole, flush tank or sewer opening.

Art. 192. It shall be unlawful for any person or persons to throw or deposit, or cause or permit to be thrown or deposited in any vessel or receptacle, connected with the public sewer, any garbage, hair, ashes, fruit or vegetables, peelings, or refuse, rags, cotton, cinders, or any other matter or things whatsoever, except foeces, urine, the necessary closet paper and liquid house slops.

Art. 193. It shall be unlawful for the owner or occupant of any house or building in which food is cooked, or clothing washed, to fail to have a suitable sink, stop stone or hopper for the reception of waste water, the same to be protected with a strainer, with mesh, not over one-fourth of an inch large.

Art. 194. It shall be unlawful for any person or persons to throw or allow to be thrown or deposited on the surface of the ground or in any hole or vault in or under the surface of the ground in the sewer districts, whether public or private, except in the proper and necessary manuring of the soil, any water which has been used for domestic purposes or any liquid or solid filth, or foeces or urine.

Art. 195. The refilling of all trenches in unpaved streets and alleys must be done in layers of not over nine inches and thoroughly tamped with a twenty-pound rammer and the surface of the ground left in good condition for travel. Refilling in paved streets and alleys must be done in the same manner, and the paving replaced in as perfect a condition as before excavation, any defects appearing within twelve months to be put in good condition upon twenty-four hours' notice.

Art. 196. It shall be unlawful for any person or persons to fail or refuse to connect all wash-stands or slop-stands in the house or yard with the sewers, or to allow any slop, wash or waste water to flow over the pavements or under the pavements, or on or into the street. Art. 226, 1893).

Art. 197. Any person who shall violate any of the provisions of the plumbing ordinance adopted by the City Council of the City of Denison, (the preceding ordinance) entitled "An ordinance prescribing and regulating the manner and way in which all plumbing work

within the City of Denison shall be done, kind and class of material to be used in such work, the inspection of plumbing work and the scale of fee for such inspection and prescribing the powers and duties of the Inspector of Plumbing," shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five ($5.00) dollars nor more than one hundred ($100.00) dollars, for each offense.

Art. 198. It shall be unlawful for any person to connect any plumbing system with any sewer of the City of Denison or to use said sewer in connection with such plumbing system or fixtures, unless such plumbing system or fixtures shall have been constructed in accordance with the ordinance of the City of Denison and shall have been inspected and approved by the City Inspector of Plumbing of said city.

Art. 199. Whenever it shall be made known to the City Council of the City of Denison that any plumbing system or plumbing fixtures have been installed on any premises, and such plumbing system or fixtures have not been constructed in accordance with said ordinance and have not been inspected and approved by the City Inspector of Plumbing of the City of Denison, it shall instruct the Superintendent of the Water Department to discontinue the supplying of water to said premises, and no water shall be supplied thereto from the city water system until and unless fixtures and plumbing system have been made to comply with said ordinances and shall have been inspected and approved by said Inspector of Plumbing of said city; and it shall be the duty of said superintendent, in case connection with any sewer of the city shall have been made with such insufficient and unapproved plumbing system or fixtures, to disconnect the same forthwith.

Art. 200. Any person violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars.

Art. 201. That all persons, firms or corporations shall, before it shall be lawful for such person, firm or corporation, or their agents or employes, (other than employes of the City of Denison) to do any plumbing work or to perform any work upon or make any connection with the public sewer of water system of the City of Denison, to execute a bond, payable to the City of Denison, Texas, in the sum of two thousand five hundred dollars, with good and sufficient surety or sureties to be approved by the City Council of Denison, which bond shall be conditioned that such person, firm or corporation will do all such plumbing work and work in making any such connections, or repairing same, in a good and workmanlike manner, and in strict compliance with the specifications provided by the ordinances, rules and regulations of the City of Denison, and to the satisfaction of the City Engineer and City Council, and that the maker of such bond will well and truly indemnify and keep the City of Denison secure and harmless from the payment of any and all damages to person or property, or both, arising from, out of or incident to or in any manner connected with the making of any such connection, or the doing of any such plumbing work; and when such bond shall have been filed and approved a permit shall be issued to such person, firm or corporation to carry on such work, such permit to be signed by the Mayor and City Secretary.

Art. 202. Any person, firm or corporation aggrieved by the failure on the part of the principal in such bond to do such plumbing work or connections in strict conformity with the provisions of the ordinances, rules and regulations of the City of Denison shall have his or their right of action upon said bond as though it were made directly to them, and such bond shall expressly provide for such right of action; and

such persons, firms or corporations may recover their damage for such failure.

Art. 203. Any person, firm or corporation who shall do any plumbing work in the City of Denison, or repair any plumbing work previously constructed, or who shall make such connections with such sewer or water systems without first having filed the bond above provided for and secured the permit herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred and not less than five dollars.

CHAPTER II.

Gas Fitting Regulations.

Art. 204. That the following specifications and city ordinance requirements shall be observed before any gas company doing business in the City of Denison shall set any meter or furnish any gas to any consumer.

Art. 205. The size of pipe shall not be less than called for in the following tables:

A. For gas lighting

Size of pipe.	Greatest length allowed.	Greatest number of burners.
3-8 inch	15 feet	1 burner
3-8 inch	10 feet	4 burners
1-2 inch	25 feet	6 burners
3-4 inch	40 feet	15 burners
1 inch	70 feet	35 burners
1 1-4 inch	100 feet	60 burners
1 1-2 inch	150 feet	100 burners
2 inch	200 feet	200 burners

B. For gas ranges.

3-4 inch	40 feet
1 inch	70 feet

C. For automatic water heaters.

Heater No.	Size.	Greatest length allowed.
3	1 inch	70 feet
4	1 1-4 inch	100 feet
6	1 1-2 inch	100 feet
8	2 inch	125 feet

D. For instantaneous water heaters.

3-4 inch	40 feet
1 inch	70 feet
1 1-4 inch	100 feet

E. For fires, small heaters, etc.

Size of pipe.	Greatest length allowed.	Number of fires.
1-2 inch	10 feet	1
3-4 inch	30 feet	1
1 inch	100 feet	1
1 1-4 inch	350 feet	1
3-4 inch	20 feet	2
1 inch	60 feet	3
1 1-4 inch	120 feet	3
1 inch	20 feet	4
1 1-4 inch	90 feet	4
1 1-4 inch	70 feet	5
1 1-2 inch	125 feet	5
1 1-4 inch	40 feet	6
1 1-2 inch	90 feet	6

Size of pipe.	Greatest length allowed.	Number of fires.
1 1-4 inch	30 feet	7
1 1-2 inch	75 feet	7
1 1-4 inch	15 feet	8
1 1-2 inch	50 feet	8
1 1-2 inch	40 feet	9
1 1-2 inch	30 feet	10

F. For gas engines. Schedule of pipe sizes for use connecting lengths of run to meter.

Length of pipe.	50 feet.	100 feet.	150 feet.	225 feet.
5 H. P.	1 inch	1 inch	1 1-4 inch	1 1-4 inch
10 H. P.	1 1-4 inch	1 1-2 inch	1 1-2 inch	1 1-2 inch
15 H. P.	1 1-4 inch	2 inch	2 inch	2 inch
20 H. P.	1 1-2 inch	2 inch	2 inch	2 inch
30 H. P.	1 1-2 inch	2 1-2 inch	2 1-2 inch	2 1-2 inch
30 H. P.	2 inch	2 1-2 inch	2 1-2 inch	3 inch
50 H. P.	2 1-2 inch	2 1-2 inch	3 inch	3 inch

G. For hot air furnaces, boilers, etc., using burners having two or three air mixers, 1 1-4-inch pipe.

H. The same with four or five mixers, 1 1-2-inch pipe; for larger installation, confer with gas company for size of pipe.

I. Air mixers must not be placed near tight ash boxes, but where a free flow of air can reach them at all times.

J. No house riser shall be less than 3-4 inches.

K. No house pipe shall be less than 3-4 inches.

L. No branching for cooking stoves shall be less than 3-4-inch pipe.

M. Use as few elbows as possible; elbows not absolutely necessary shall not be used. When impossible to get through an obstruction such as a beam, offset the pipe rather than use elbows.

2A. For all large buildings the plans should be taken up directly before installing. All piping for fixtures with a great number of burners on them will have to be made larger accordingly.

2B. Gas shall never be supplied from a smaller pipe to a larger one.

2C. Pipe must be free from obstructions.

2D. White lead or other jointing material should be used sparingly so as not to clog the pipe.

2E. The riser must be extended to a point within 18 inches of the proposed location of the meter, and to the right of same.

2F. In piping new houses, the gas company will decide where the gas meter should be located, and the fitter shall extend the riser to terminate within 18 inches of the point.

Art. 206. Meters shall not be located under stoops, sidewalks or show windows, near furnaces or ovens; locked in compartments or placed in any other position where they will be inaccessible or liable to injury. Under no condition will a fitter or plumber disconnect any meter, connect to or disturb the piping before the meter.

Art. 207. When to accommodate different tenants, one or more meters are desired in a given building, the company shall set as many meters as there are separate consumers, connecting the meters to one service pipe, provided the risers are piped leading to these different tenants are extended to within 18 inches of the proposed location of the meters which are to be set in the same location.

Art. 208. Risers should not be scattered, but should drop together in alignment to the room where the meters are set. They should be

kept at least three inches apart and should not extend less than 20 inches from the floor.

Art. 209. No elbows should be put on the bottom of any riser or rising service but the bottom of all risers should have a "T."

Art. 210. Union and valves must not be used in concealed work; use long threads, if necessary.

Art. 211. Long runs of horizontal should be firmly supported at short intervals by metal fasteners to prevent sagging.

Art. 212. All branch outlet pipes should be taken from the side or top of running lines, never from below.

Art. 213. Bracket poles should be run from below when practicable. Drop extensions must be supported with at least three supports, one under pipe at drop, one across drop and main supply pipe. All supports are to be 3 XI or larger lumber. Two supports must be used for all bracket extensions, one directly under riser ell and one half way between ell and main supply pipe.

Art. 214. House pipes should be so run and covered as to be readily accessible. In concealed work only galvanized fittings will be used. No cast iron fittings smaller than 3 inches are to be used. No bushings will be allowed.

Art. 215. Before doing any gas fitting the person, firm or corporation doing same shall execute and deliver to the City of Denison a good and sufficent bond, having thereon two or more sureties to be approved by the City Council of the City of Denison in the sum of one thousand ($1,000.00) dollars conditioned for the faithful performance of all work entered upon or contracted for, in strict accordance and compliance with terms, requirements and provisions of this ordinance, and such future ordinances of the City of Denison as may be hereafter passed. Such bond shall be for a period of one year from the date of its execution and the same shall be renewed at the end of each year before further work is undertaken.

Art. 216. Any person who shall violate any of the provisions of this ordinance or who shall fail to comply with any of its requirements shall be subject to a fine in any sum not to exceed two hundred dollars, and each and every day's continuance of any violation of the provisions of this ordinance shall constitute and be deemed a separate offense.

Art. 217. All persons and firms or corporations engaged in the gas fitting business shall test their work when completed, which said test shall be either of air or mercury of ten pounds pressure of fifteen minutes duration.

TITLE FIVE.
Offenses Against Public Policy and Welfare.

CHAPTER I.
Soliciting of Lawsuits.

Art. 218. Any person who shall, within the city limits of the City of Denison, instigate, prosecute or encourage the assertion of any real or pretended claim or demand or the bringing of any lawsuit in which such person has no interest, or who shall, within said city limits solicit, persuade or in any manner attempt to induce any person to employ any attorney or attorneys at law or other person to prosecute any real or pretended claim in behalf of such person so solicited and in which such person so soliciting has no interest at the time of such solicitation, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of two hundred dollars.

Art. 219. A person shall be deemed to have an interest in a claim or the subject matter of a suit where such person properly appears or would appear properly in a suit filed or which might be filed respecting a claim or cause of action as a party of record to such suit.

Art. 220. In prosecutions hereunder it shall not be necessary to prove that a claim or cause of action exists or existed in favor of any person so solicited, and it shall be no defense that such person so solicited did not in fact, at the time of such solicitation have any valid claim or cause of action against any one.

CHAPTER II.
Offenses Against Public Peace, Etc.

Art. 221. Any person who shall knowingly give or make a false alarm of fire within this city shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars.

Art. 223. Any person who shall go into or near the streets of the City of Denison and use or make a noise with any bell, horn, bugle, or other loud sounding instrument, or who shall cry out, "spiel," or employ any device, noise or performance that is intended to attract the attention of the persons in and along such streets or public place, without first having written permission from the Mayor of said city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than twenty-five dollars.

Art. 224. Any person who shall exhibit, cause or permit any bull, bear or dog fight, or who shall aid in exhibiting or permitting or causing any bull, dog or bear fight, or who shall engage or encourage by his presence any pugilistic contest or prize-fight, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 225. That if any person shall obtain the use of any hackney coach, carriage or vehicle for the conveyance of passengers, or a seat therein, without having the then present means of paying therefor, without notifying the driver or owner thereof of the fact, and shall enjoy the use of the same without paying therefor, under the supposed ability so to do, or if any person shall obtain the use of any vehicle or carriage, or a seat therein, with a view to enjoy the same without paying

therefor, or in anywise, by cunning or device defraud the owner or driver of any such hack, coach, carriage or other vehicle as aforesaid, out of any of the rates or dues to which any such owner or driver is or may be entitled to receive or charge or by virtue of any ordinance that may hereafter be passed modifying or adding to the same, such person so offending shall be deemed guilty of fraudulently obtaining the use of the same; and any such person so offending shall be fined in any sum not less than five dollars nor more than twenty-five dollars.

Art. 226. No owner or driver of any hackney coach, carriage, hack, omnibus, cart, dray or other vehicle, while waiting employment at any railroad depot or other public place in said city, shall unnecessarily snap, crack or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking, or any other disorderly conduct, or vex or annoy travelers or citizens; and such owners and drivers are required to obey any and all rules adopted by any railroad company or person or association for the promotion of order at any public railroad depot, or other public place in said city, not inconsistent with the ordinances of the city and the police regulations thereof. Any person or persons who shall violate any of the provisions of this article, or who shall fail or neglect to comply with its requirements, shall, on conviction, pay a fine of not less than ten dollars nor more than one hundred dollars.

Art. 227. It shall be unlawful for any person or persons to wantonly whistle, haloo, shriek or scream, or to wantonly clap their hands or stamp their feet, or to smoke any pipe, cigar or cigarette in any opera house in the City of Denison at any theatrical or other public entertainment, and any one violating any provision of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three nor more than one hundred dollars. Nothing in this article shall be construed so as to prohibit any one from giving proper applause to parties appearing upon the stage in such entertainments.

Art. 228. If any person shall sell or give away any intoxicating liquors of any kind whatever in any house, room or in any other place used and occupied as a theater, show or place where theatrical or dramatic representations are given, by whatever name called, shall for each and every such offense be punished by a fine of not less than five dollars nor more than fifty dollars.

Art. 229. If any person shall carry or cause to be carried any intoxicating liquors of any kind whatever in any house, room or into any other place used and occupied as a theater, show or place where theatrical or dramatic representations are given, by whatever name called, shall for each and every such offense be punished by a fine of not less than five dollars nor more than fifty dollars.

Art. 230. If any person being the owner, lessee or having the management or control of any house, room or other place used and occupied as a theater, show or place where theatrical or dramatic representations are given, by whatever name called, shall permit any intoxicating liquors of any kind whatever to be sold or given away or to be carried or introduced into such house, room or other place, shall for each and every such offense be punished by a fine of not less than five dollars nor more than fifty dollars.

Art. 231. Any person who shall keep, run or operate any fandango or dance-house or place within this city where lewd women, prostitutes, vagrants, or other idle or disorderly persons are admitted, shall be deemed guilty of a misdemeanor, and, on, conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 232. Any person who shall permit any fandango or dance-

house or place such as described in the preceding article, to be kept, run, operated in or upon premises owned or controlled by him or her within this city, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars, and each day any such fandango or dance-house shall be run or operated shall constitute a separate offense.

Art. 233. Any person who shall frequent or participate in any fandango, dance or ball in this city where lewd women, prostitutes, vagrants, or other idle or disorderly persons attend or resort, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 234. Any person who shall go about in this city exhibiting any cheating trick, device or apparatus, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 235. Any person who shall in this city be found asleep in any public square, street, alley or other public place, or in any railroad car, vehicle, doorway or vacant building not his own, without the consent of the owner or person having the proper charge, control or possession of the same, or upon any sidewalk, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than two dollars nor more than twenty-five dollars.

Art. 236. Any person who shall in this city be found loitering or concealed at night or at any other inappropriate time in or about any public building or private premises not his own, under suspicious circumstances and without being able to give a satisfactory account thereof, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 237. It shall be unlawful for any male person to walk or ride upon the streets of Denison in company with any commonly reputed prostitute or lewd woman, and any person or persons thus violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 238. It shall be unlawful for any person, in the City of Denison, Texas, to beg, or solicit alms, or, with intent to receive alms and for such purpose, display himself anywhere within the limits of said city.

Art. 239. Any person who shall violate any of the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five nor more than twenty-five dollars, and each day any person may beg, solicit alms or so display himself, shall be a separate offense.

Art. 240. Any person who shall in this city exhibit, sell or offer for sale, any indecent or lewd book, picture or other thing or shall exhibit or perform, or permit to be exhibited or performed on his premises any indecent, lewd or immoral or other representation, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

CHAPTER III.

Amusement Places.

Art. 241. A domino parlor is any room or place where the public are invited or admitted to be and remain in and about and engage in playing any game with dominoes.

Art. 242. A pool hall is any room or place where pool tables or billiard tables, or either, are kept for the use of the public and where

the public are invited or admitted to be and remain in and about and to engage in the playing of games of pool or billiards, or either, upon and by the use of such tables.

Art. 243. A bowling alley is any room or place wherein are constructed alleys or ways of wood or other material, and wherein are kept balls and pins and where the public are invited or admitted to be in and about, and, by the use of such balls, pins, alleys and other equipment located therein, to play at games of nine-pins, ten-pins, cocked hat or similar games.

Art. 244. It shall be unlawful for any domino parlor, pool hall or bowling alley to be or remain open between the hours of 11 p. m. and 6 a. m.; and the owner or manager of any such domino parlor, pool hall or bowling alley, or the agents or employes of such owner or manager, who shall permit such domino parlor, pool hall or bowling alley to be and remain open between the said hours of 11 p. m. and 6 a. m., of any day shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars; provided, it is not intended hereby to legalize the keeping open of any such places during any hour on Sunday.

CHAPTER IV.

Furniture Moving.

Art. 245. That each and every drayman, driver of express or baggage wagons, and all others pursuing like occupations, with or without vehicles, shall make report in writing to the City Secretary whenever they move furniture, or other household goods from one location in the city to another location therein, giving the number of the house, and street, or railroad station, and exact location both from and to which said goods or furniture are moved, as well as the date of such moving and the name or names of the party or parties for whom the said goods or furniture are moved, said report to be made within twenty-four hours after moving.

Art. 246. Each and every person violating any of the provisions of the preceding article shall be fined in any sum not less than five ($5.00) dollars, nor more than one hundred ($100.00) dollars.

TITLE SIX.
Public Property.

CHAPTER I.
Injuring Streets, Etc.

Art. 247. Any person who shall dig any hole, drain or ditch in any street, alley or public ground in this city, without permission from the City Council or its street committee, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 248. Any person who shall in any manner obstruct the free passage of water through or across any street, road, highway, alley or sidewalk in this city, so as to interfere with the free and easy passage of the same, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 249. Any person who shall, without first having obtained permission from the City Council or its street committee, dig, remove, or carry away, or cause or procure the same to be done, any sod, stone, earth, sand or gravel from any street, alley or public ground in this city, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 250. Any person who shall injure or tear up any pavement, sidewalk, or crossing, drain or sewer, or any part thereof, or who shall dig any hole, ditch or drain in any street, pavement or sidewalk, without due authority from the City Council or its street committee, or who shall hinder or obstruct the making or repairing of any pavement, sidewalk or crossing which is being made or constructed under ordinance or resolution of the City Council, or who shall hinder or obstruct any person employed by the City Council or the street committee in making or repairing any public improvement or work ordered by the City Council, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 251. Any person who shall hitch or fasten any horse or other animal to any awning, ornamental or shade tree, or to any lamp-post or hydrant, or who shall injure or disturb any ornamental or shade tree, shrub, plant, monument, lamp-post, fence, railing or awning in or upon any public ground, street, alley, or other public place, or upon any private premises in this city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than one hundred dollars. (Adopted 1893.)

Art. 252. Any person who shall injure or destroy, or assist in injuring or destroying, any bridge or its appurtenances, or any culvert, causeway, gutter or other improvement, or any fire engine house, or any other public building or property belonging to the city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 253. Any person who shall break down or injure any fence or gate of any public pound, or enclosure used by an officer of this city for impounding sheep, goats, hogs, or other animals prohibited by ordinance from running at large within this city, or shall open or leave

open any gate leading into any such pound or enclosure, or who shall turn out or cause to be turned out or escape any hogs or other animals confined therein, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 254. That it shall be unlawful for any one to deface any building, fence, tree, lamp-post or other property, public or private, in the City of Denison, or to hitch any horse or other animal to any awning, post, or building, or to ride, drive or hitch any horse on or across any sidewalk, and any persons violating this article shall, upon conviction, be fined not less than five dollars nor more than twenty-five dollars; provided, any animal may be hitched to a ring secured in the curbing.

Art. 255. It shall be unlawful for any person or persons to ride or drive any animal or animals, or any wagons, buggy or other vehicle, upon or across any of the hose belonging to said city, when attached to water hydrant or otherwise in use, or to damage or injure the same in any manner at any time, and any person violating this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 256. That it shall be unlawful for any member or members of the fire company, or any other person, to wantonly or wilfully hold or handle any hose in such a manner as to cause the water to be thrown upon persons or animals, or against the doors or windows of any house in such a manner as to break or injure the same, or to cause any water to be thrown upon any goods or merchandise of any person, and any one violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than fifty dollars.

Art. 257. Any person who shall pass through or walk upon any of the public school grounds of the City of Denison shall be adjudged guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one dollar nor more than ten dollars.

Art. 258. If any person shall drive or cause to be driven any vehicle across or upon any of the public school grounds of the City of Denison, the same shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than two dollars nor more than twenty-five dollars.

Art. 259. If any person shall knowingly and wilfully trespass upon any of the public school grounds of the City of Denison, or shall commit any nuisance thereon, or shall injure any trees, plants, shrubs or flowers situated upon said ground, the same shall be deemed guilty of a misdemeanor and be fined in any sum not less than three dollars nor more than twenty-five dollars.

Art. 260. The provisions of Article 257 shall not apply to the superintendent, teachers, pupils, or janitors in said school while attending school, not to pupils playing upon said school ground during school hours with the consent of the teachers of said school, nor to persons attending or invited to public games or receptions held upon said ground, nor to members of the school board, and provided, further, that persons shall have the right to deliver supplies upon the said grounds under the direction of the Board of School Trustees of the City of Denison or under the direction of any teacher in said school, and, further provided, that the teachers and janitors may direct the trimming of trees, plants, shrubs and flowers. (Adopted 1909.)

Art. 261. It shall be unlawful for any person or persons to lead, ride or drive a horse or horses, or iron-tired vehicles in Forest Park

in the City of Denison, except by permit from the Mayor or Chief of Police.

Art. 262. Any person violating any of the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than one hundred dollars for each offense.

Art. 263. If any person shall deface any property, public or private, of whatsoever kind by sticking or posting thereon any advertisement, poster, handbill, sign or placard of any description without first obtaining permission from the Mayor or City Council, if the same be public property, or if private, without first obtaining permission from the owner or occupants of the same, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than fifty dollars.

Art. 264. It shall be unlawful for any person to destroy, injure, remove, or disturb any shrub, tree, plant or other ornamental property that is now upon the public school grounds or other grounds of the City of Denison, or that may be hereafter placed thereon, and any person guilty of so doing shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five dollars nor more than fifty dollars. (Adopted 1906.)

Art. 265. It shall be unlawful for any person or persons without the permission of the Superintendent of the waterworks department of the City of Denison, to tamper with, injure or deface any hydrant, water-pipe, stop-cock, stand-pipe, public fountain, or other waterworks fixture or appliance belonging to the City of Denison.

Art. 266. It shall be unlawful for any person to take and carry away water from any public fountain within said city without first having written permit to do so from the superintendent of said waterworks department.

Art. 267. It shall be unlawful for any person to turn on, draw or carry away water from any hydrant within this city, without permission from the head of the family occupying the premises upon which said hydrant is located.

Art. 268. It shall be unlawful for any person to hitch or fasten any animal or animals to any public fountain or to any hydrant within said city.

Art. 269. Any person who shall violate any of the provisions of the four preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than one hundred dollars.

TITLE SEVEN.

Public Safety.

CHAPTER I.

Speed Limit, Etc.

Art. 270. That it shall be the duty of all persons owning or operating or having in charge or under their control or custody any vehicle upon the streets of the City of Denison and of all pedestrians to observe and conform to the following rules and regulations:

Art. 271. All vehicles shall be driven in a careful and prudent manner and with due regard for the safety and convenience of pedestrians and all other vehicles, and any person who wantonly, maliciously or negligently causes or suffers any railway car, railroad engine, street car, automobile, motorcycle, carriage, wagon, cart, dray, or other vehicle or animal to come in collision with any other vehicle, animal or person, shall be guilty of a violation of the terms hereof.

Art. 272. Vehicles shall keep to the right of the street except when necessary to turn to the left when crossing the street or in overtaking other vehicles and shall cross as hereinafter provided.

Art. 273. All vehicles meeting shall pass to the right.

Art. 274. A vehicle overtaking another shall pass to the left side of the overtaken vehicle, and not pull to the right, until entirely clear of it.

Art. 275. Drivers of vehicles before stopping, turning, slowing down, changing their course or backing, shall make sure that such movement can be made in safety.

Art. 276. Vehicles turning to the right into another street shall turn the corner as near as practicable to the curb. Vehicles turning to the left into another street shall pass to the right of and beyond the center of the street intersection before turning.

Art. 277. Vehicles crossing from one side of the street to the other shall do so by turning to the left so as to head in the same direction as the traffic on that side of the street towards which the crossing is made, provided, no vehicles shall turn on Main street between Mirrick avenue and Houston avenue except at intersections of streets and avenues.

Art. 278. Vehicles standing shall stand parallel with the curb and as near thereto as possible, and shall be headed in the same direction of the traffic on that side of the street, except as provided in Article 279 of this ordinance, and no vehicle shall be stopped at any point where there is more than one vehicle between it and the curb on the right.

Art. 279. No vehicle shall stand backed up to the curb except when actually loading or unloading, and if said vehicle is horse-drawn the horse or horses must stand as nearly parallel to the curb as possible, and headed in the direction of traffic and in no case shall it so stand longer than the actual loading or unloading requires.

Art. 280. No vehicle shall be driven through a procession except by permission of a police officer and under his direction.

Art. 281. No vehicle shall stand within any street intersection nor nearer than ten (10) feet to the property line on the intersecting street, nor shall any vehicle be left unattended nearer than five (5) feet of a fire-plug.

Art. 282. Except in an emergency and for the purpose of allowing another vehicle or pedestrian or pedestrians to cross, no vehicle shall be permitted to stop in any street in the City of Denison in such a manner as to unnecessarily obstruct the free passage of the street; provided, however, that nothing in this section shall be held to apply whenever a driver of a vehicle is compelled to stop by reason of another provision of this ordinance regulating traffic, and provided wagons or carts collecting U. S. mail may stop for that purpose, keeping as near to the curb as may be possible.

Art. 283. Everything being equal, vehicles going in an easterly or westerly direction shall have the right of way over others going on intersecting streets, unless otherwise directed by police officer directing traffic.

Art. 284. No vehicle shall pass on the right side of any street car, which has stopped to take on or discharge a passenger at a greater speed than five (5) miles per hour, nor nearer than ten (10) feet to same.

Art. 285. When requested or signalled to do so, the driver having possession, charge or control of any vehicle, traveling on any street shall as soon as practicable turn to the right so as to allow any overtaken vehicle free passage to the left of the overtaken vehicle.

Art. 286. Every motor-vehicle, motorcycle, and bicycle while being used upon any of the streets, alleys, highways or public places in the City of Denison shall be provided with a suitable bell, horn or other signal device which will produce an abrupt sound sufficiently loud to serve as a signal of danger, and it shall be unlawful for any person operating any motor-vehicle, or motorcycle, or bicycle, to make or cause to be made any unnecessary noise with any such bell, horn or other signal device, or to use the same except as warning of danger.

Art. 287. No person shall ride, drive or propel any automobile upon the streets of the city between the hours of one hour after sunset and one hour before sunrise, unless there shall be fastened to the front thereof at least one white light clearly visible at a distance of three hundred feet (300), and a lamp or lamps so fixed and lighted as to throw a red light to the rear. No person shall ride or drive a bicycle, tricycle, or motorcycle in any street within the said hours without having attached to the front thereof a light clearly visible for a distance of two hundred feet.

Art. 288. No person shall ride, drive or propel any automobile, bicycle, tricycle, motorcycle or motor-driven vehicle at a greater rate of speed than twelve (12) miles per hour, along, over or through Main street between Mirick and Crockett avenues, nor at a greater speed than eighteen (18) miles per hour along, or through, or over any other street or public thoroughfare within the City of Denison, or to pass or to cross any street intersection or around any corner at a greater rate of speed than eight (8) miles per hour.

Art. 289. That notwithstanding the rules herewith provided with reference to speed, no person in charge of an automobile or other vehicle on any street of the City of Denison shall drive the same at any greater rate of speed than is reasonable and safe, taking into consideration the amount and condition of traffic on such street, and the number, age and condition of pedestrians thereon, and under no circumstances so as to endanger the life or limb of any person thereon.

Art. 290. No horse shall be left unattended on any street unless securely fastened. No horse shall be unbitted on any street or highway unless said horse is of a docile disposition and secured by a halter.

Art. 291. No person shall cease to hold the reins while driving, riding or conducting a horse or other animal.

Art. 292. No person shall crack or use a whip as to annoy, interfere with or endanger any person or excite any horse other than that which he is driving.

Art. 293. No person shall operate or attempt to operate any vehicle while such person is in a state of intoxication, or is in other respect incapable of properly and safely operating such vehicle.

Art. 294. No person while riding a bicycle, tricycle, or motorcycle shall take hold of any other vehicle or street railway car for the purpose of holding onto and be carried along by said other vehicle or street railway car.

Art. 295. No part of the machinery of any automobile or motorcycle shall be permitted to run while such vehicle is standing in any street, alley or a public place without an attendant.

Art. 296. All automobiles, motorcycles and other motor-vehicles shall be provided with suitable mufflers and the same shall be kept closed at all times while such vehicle is in use on Main street between Crockett avenue and Armstrong avenue.

Art. 297. It shall be unlawful for any person not the owner, driver or operator of any vehicle to tamper, meddle, interfere with or injure the same, or any part or appliance thereof; provided, that such vehicle may be removed by or under the direction of a police officer or by street cleaners or by a fireman engaged in fighting fire.

Art. 298. Drivers of vehicles of all kinds and pedestrians, street car motormen and persons engaged in the operation of any street car must promptly comply with any direction by voice or hand or whistle of any member of the police department as to the manner of taking up, setting down passengers, or loading or unloading goods in any place, and as to stopping, starting, approaching or departing from any place or passing along or across any street.

Art. 299. In case any vehicle injures any person it shall be the duty of the person in charge thereof to immediately stop and render assistance and if necessary obtain medical assistance for such injured person.

Art. 300. Street cars shall, upon signal, stop at street intersections for the purpose of taking on or discharging a passenger or passengers, after crossing the intersecting street, provided that no part of any car shall stop so as to obstruct traffic on the intersecting street. Interurban cars are subject to other ordinances.

Art. 301. The following vehicles in the order named shall have the right-of-way in the use of all streets and public places within the City of Denison, viz: Apparatus of the fire department, ambulances responding to emergency calls, emergency repair wagons of the electric light, gas and street railway companies, and United States mail wagons when in service as such.

Art. 302. Street cars shall have the right-of-way between cross-streets over all vehicles except those herein above mentioned and the driver of any vehicle, except those hereinabove mentioned proceeding upon the track in front of a street car shall promptly turn out upon signal of the motorman.

Art. 303. The driver of a vehicle upon the approach of apparatus of the fire department shall immediately draw up said vehicle as near as practicable to the right-hand curb and parallel thereto and bring his vehicle to a stop. The motorman operating a street car shall, on the approach of apparatus of the fire department, immediately bring his car to a stop until said apparatus has passed.

Art. 304. All pedestrians crossing any street at its intersection with another street where a traffic officer is on duty directing the traffic at such point, shall cross said street in the line of the sidewalk and shall move and proceed with the vehicle traffic and shall not cross said street diagonally at such point.

Art. 305. That the word "street" when used in this ordinance shall be held and construed to mean and include streets, drives, avenues, alleys and all places open to the public for the use of vehicles.

Art. 306. That the word "vehicles" shall be held and construed to include wagons, buggies, carriages, push-carts, bicycles, tricycles, motor-cycles, automobiles or other conveyances, except baby buggies or street cars.

Art. 307. That the word "horse" shall be held and construed to mean and include mares and mules.

Art. 308. That the word "driver" shall be held and construed to mean any rider or driver of a horse or horses, the rider of wheels and the operator of a motor-vehicle of any kind or character.

Art. 309. That whenever in the judgment of the Mayor or the City of Denison it is deemed necessary for the preservation of order or to prevent the obstruction of any street during the time any gathering of people may be using the same for a parade or any other lawful purpose, he may order the Chief of Police to cause traffic to be temporarily suspended on any street or portion thereof, during such time, and it shall be the duty of all persons owning or operating any vehicles or using any such street with any vehicle or animal or in any manner using such street so as to obstruct such parade or lawful gathering, to cease to use any such street and to remove any vehicle or animal therefrom in accordance with the direction or order of such Chief of Police or any officer acting under the direction of such Chief of Police.

Art. 310. The Mayor shall cause any such order given under the terms of this ordinance to be published at least once in some newspaper of general circulation in the City of Denison before any such order shall take effect.

Art. 311. That before any person, or association of persons, shall use or obstruct the street for the purpose of a parade or for the purpose of gathering thereon, any such person or persons shall first obtain from the Mayor a permit to use the same, which said permit shall state the time allowed for such use, and the purpose for which the street shall be used.

Art. 312. That this ordinance shall take effect as herein provided in accordance with the City Charter, and all ordinances heretofore passed governing the use of vehicles on the streets of the City of Denison not consistent herewith, and all ordinances establishing places for hacks or vehicles to stand, and all ordinances regulating market places, shall be deemed accumulative of the ordinance, and the ordinance shall be construed to be supplemental to the same and shall not be construed as a repeal of any such ordinances.

Art. 313. Any person who shall violat, or disobey any of the provisions, terms and conditions of an ordinance, (the preceding ordinance) of the City of Denison entitled "An ordinance regulating travel and traffic on the streets of the City of Denison, and rules of the road," passed by the City Council of said City of Denison on February 26, 1915, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding two hundred dollars.

Art. 314. If any person shall drive or operate any automobile or motor-vehicle in the City of Denison without having displayed in a conspicuous place the number of said machine, which number shall be

in figures not less than six (6) inches in height, and each figure not less than two (2) inches in breadth, such person shall be adjudged guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five ($5.00) dollars nor more than one hundred ($100.00) dollars.

Art. 315. If any person driving or operating any automobile or motor-vehicle in the City of Denison shall fail to slow down or stop at the request or signal by putting up the hand or by other visible signal from the person riding or driving a horse or horses or other domesticated animals until he pass, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than five ($5.00) dollars nor more than one hundred ($100.00) dollars.

Art. 316. It shall be unlawful for any person to ride or drive any animal or move or propel or cause to be moved or propelled any vehicle of any description, including motor-driven bicycles, along the subway in the City of Denison where the same passes under the tracks of the H. & T. C. Railroad Company, or within one hundred feet thereof, at a rate of speed greater than five miles per hour.

Art. 317. Any person violating the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars.

Art. 318. It shall be unlawful for any person or persons to operate any automobile or other trackless power-driven vehicle in the City of Denison in which persons are transported for hire without having first obtained a license therefor. This provision shall apply to all such vehicles operated between points within the City of Denison, or between points within and points without said city, where any portion of such operation is over any street or avenue within said city.

Art. 319. Each person desiring to operate such vehicle shall file with the City Secretary his application therefor, which shall set forth the make and rated capacity of said vehicle, its registered number, and shall accompany such application with the fee chargeable therefor, which shall be the sum of twenty-five dollars, and such license shall be issued for a term of one year from the date thereof.

No such vehicle shall be operated without there being plainly displayed upon the outside of said car or vehicle the license number thereof, which number shall be composed of a figure or figures at least three inches in height.

Art. 320. That the provisions of any and all ordinances requiring operators of any such vehicles for hire to file bond with the City of Denison, and the provisions of any such ordinances with respect to the license fees to be paid incident to the operation of such vehicles are hereby expressly repealed; otherwise the provisions of this ordinance shall be in addition to and cumulative of all other ordinances regulating or applying to the operation of automobiles or similar vehicles upon the streets or avenues of the City of Denison.

Art. 321. Any person violating any of the provisions of the four preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars.

Art. 322. That it is hereby made unlawful for any person to throw, place or deposit, on any street or avenue in the City of Denison any tack, glass, earthenware, sharp iron or any other thing likely to cut or injure the tire of any bicycle, and it is further made unlawful for any person to place any string, wire, rope, or obstruction of any character, across any public street or avenue in the City of Denison, in such manner as to endanger the person of any bicycle rider, or obstruct the free passage of any bicycle except that where such things are necessary

for street or other improvements, the same shall be no violation of the law. (See page 131, acts 1913 R. S.)

Art. 323. Any person violating any of the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be punished by fine in any sum not exceeding one hundred dollars.

Art. 324. Any drayman, carter, or other driver of any cart, dray, wagon, cab, hack, coach, carriage, or other vehicle whatever, public or private, or any person riding on horseback, who shall be guilty of running his horse or horses or mules, or shall ride or drive the same in a careless or reckless manner on or through any of the streets, avenues or alleys of the city, or who shall ride or drive at a gait faster than a slow trot or pace, and any drayman or driver of any heavily loaded vehicle who shall drive his dray or vehicle at a gait faster than a walk, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than twenty-five dollars.

CHAPTER II.

Public Safety, Etc.

Art. 325. Any person who shall blast, or cause to be blasted, any rock, earth or other material within this city, without having the orifice at the time of setting off the blast securely covered on all sides with good, sound plank of sufficient length, width and thickness so as to prevent fragments of such material from ascending into the air, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three dollars nor more than one hundred dollars.

Art. 326. Any person having charge of any public or private improvement in this city, who shall leave any hole, ditch or excavation in or adjoining any public square, street, sidewalk or other public place without guarding, covering or fencing the same, so as to protect persons and animals from danger by falling therein, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three dollars nor more than one hundred dollars.

Art 327. Any person who shall, in this city, keep or leave open any cellar door or grating of any vault, on any street, highway or sidewalk, or suffer the same to be left or kept open, or who shall suffer any sidewalk in front of his premises to become or continue so broken as to endanger life or limb, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 328. Any person who shall throw or let fall from a door or window or an upper story of any house or building in this city, any water, slop or other liquid or any article or substance whatever, upon any sidewalk, street or public place, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than twenty-five dollars.

Art. 329. Any person who shall erect or use, or cause to be erected or used, any scaffold in this city for stone, brick or other buildings, unless the same be well and safely supported and of sufficient width and properly secured so as to insure the safety of persons working thereon or passing under or by the same, against the falling thereof, or of such materials as may be used, placed or deposited thereon, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

Art. 330. Any person who shall cast or throw any stone or other missile upon, at or against any person or any house, privy or any other public or private property in this city, or shall throw or shoot any bul-

let, stone or other missile from any sling, rubber or negro-shooter or other contrivance of like kind, in, from or into any street, alley, lane, public place or unenclosed grounds in this city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 331. Any person who shall engage in any sport or exercise in any public street or highway in this city calculated to scare horses, injure pedestrians and embarrass or retard the passage of vehicles, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than one hundred dollars.

Art. 332. Any person who shall discharge or fire any cannon, gun, pistol or firearms of any description in this city, except in gunshops or shooting galleries, unless in case of urgent necessity, or shall fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than fifty dollars.

Art. 333. The two preceding articles shall not apply to public or other occasions if permission has first been obtained from the City Council or the written permission of the Mayor given; provided, that such permission shall limit the time of such firing or using such sport and exercise and shall be subject to be revoked by the Mayor or City Council at any time after it has been granted.

Art. 334. Any woodpile, posts, machinery, farming tools, household or kitchen furniture of all kinds kept for sale, boxes, barrels, images of any kind, all wooden or metallic structures and all things of whatsoever kind which may be placed upon any street or sidewalk, public square or alley without permission from the Mayor or City Council, are hereby declared to be an impediment under this ordinance, and in all cases when such things as are above mentioned are already placed upon any street, sidewalk, public square or alley by any person, he shall be notified by the Chief of Police to remove the same, and upon his refusal or failure to do so, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars. (Ordinance 1893.)

Art. 335. The preceding article shall not prohibit merchants from placing packages of goods which they may be receiving or shipping on any sidewalk, if the same do not occupy more than one-half thereof, or remain thereon more than six hours; nor to prevent merchants occupying with goods, samples, signs, or other articles, not exceeding three feet on the inside of sidewalks that are sixteen feet in width, and not exceeding two feet on the inside of sidewalks than are less that sixteen feet in width.

CHAPTER III.

Prohibiting the Building of Barb Wire Fences.

Art. 336. That it is hereby made unlawful for any person, firm or corporation to build any barb wire fence within the city limits, or suffer the same to remain after being notified by the City Engineer to remove it.

Art. 337. Any person or agent or employee of any person, firm or corporation violating the provisions of this chapter, shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense, and each day such persons, firms or corporations shall allow such fence to remain after being notified to remove the same, shall constitute a separate offense.

TITLE EIGHT.
Sanitary Regulations.

CHAPTER I.
Board of Health.

Art 338. There is hereby created a Board of Health to be composed of three practicing physicians who reside in the City of Denison, said board to be appointed by the Mayor of the City of Denison upon the passage and approval of this ordinance; one member of such board to hold his office or position until the first regular meeting of the City Council held after the city election in April, 1908, at which time it will be the duty of the Mayor to appoint a member who shall hold his office or position for a period of two years; the other two members of said board to hold their office or position and be appointed for a period of two years, their terms of office, however, to expire on May 1, 1909. It shall be the duty of the Mayor of the City of Denison to make such appointments at the expiration of the term of office at the times stated in the future. All appointments as herein provided for are to be made subject to the consent and approval of the City Council. The term of office herein provided for shall be for a period of two years for each member.

Art. 339. The Board of Health herein provided for shall elect a President and Secretary from the members of the board, and the board shall have power to adopt rules and regulations for its own government and fix the time and place of its meetings. Two members shall constitute a quorum. Special meetings may be called at any time by the President of the board, by the Mayor of the City of Denison or any two members of the board, by notification in writing. The Board of Health is hereby authorized and empowered to select and appoint, by and with the consent of the Mayor and the City Council, a City Physician and Health Inspector for the City of Denison, said City Physician and Health Inspector shall hold his office and position at the will and pleasure of the Board of Health. The said Board of Health shall also have the power, by and with the consent of the City Council to appoint such other officers, agents and assistants as they may deem necessary for the safety and well being of the citizens of Denison. The compensation of the officers, agents and assistants herein provided for shall be fixed by the City Council of the City of Denison. (Adopted 1907). (See general laws 1911 session, page 173.)

Art. 340. That it shall be the duty of the Board of Health, on the complaint of any citizen, to inquire into the cause of the sickness of any person complained of, and report the result of same to the City Council. (Ordinance 1893.)

Art 341. That the owner, driver, conductor or person in charge of any stage, railroad car, or other public conveyance, which shall enter the city, having on board any person sick of any malignant fever or pestilential, infectious or contagious disease, unless such person became sick on the way and could not be left, shall be deemed guilty of a breach of this ordinance. Such owner, driver, conductor or person in charge shall, within three hours after the arrival of such sick person, report, in writing, the facts, with the name of such person and the house where such person is stopping in the city, to the Board of Health.

Art. 342. That any such person who shall bring or cause to be brought into the city any person or property of any kind tainted or infected with malignant fever or any pestilential, contagious, or infectious disease, shall be deemed guilty of a breach of this ordinance.

Art. 343. That every physician engaged in the practice of medicine in the city, who shall be called to see or attend any person or persons sick of a malignant fever or pestilential, infectious or contagious disease, shall immediately report the same in writing, giving the name and address of such person or persons, stating number of house and street, to the Board of Health; and any physician who shall be called to see, or have in charge, any sick person and shall be in doubt as to whether such person is sick with a malignant fever or pestilential, infectious or contagious disease, he shall immediately call in one or more members of the Board of Health for consultation. Any physician failing to comply with the provisions of this article shall be deemed guilty of a breach of this ordinance.

Art. 344. That the Health Board shall, when they deem it expedient, examine the premises of all persons selling, or offering for sale, in the city, any milk, and to order such premises to be cleaned up and disinfected, and may have a chemical analysis made of the milk offered for sale in the city, and it shall be unlawful for any person or persons so offering milk for sale to refuse to allow their premises inspected, or the milk offered for sale by them to be analyzed, as herein provided, or to refuse to clean up and disinfect the premises used by them as a dairy; and any person so refusing to comply with the provisions of this article shall be deemed guilty of a breach of this ordinance. It shall not be lawful for such person to sell, or offer for sale, any milk in the limits of the city without first obtaining a certificate from the Health Board that he has complied with the provisions hereof, and any person so offering for sale milk without such certificate shall be deemed guilty of a violation of this ordinance.

Art. 345. That the Board of Health shall examine into the quality and wholesomeness of the water used by residents of the city whenever complaint shall be made by them, and report the result of such examination to the City Council, and whenever said board shall decide that the water used by any inhabitant or inhabitants of the city is impure or unwholesome and likely to create sickness, they shall notify the person or persons so using such water to discontinue the use of the same, and shall also notify the person, persons, or corporation, or its agents or employes, furnishing such water, to cease to furnish such water, which notices shall be in writing and signed by the board officially, and any person or persons failing to comply with the demand made in such notice shall be deemed guilty of a breach of this ordinance, and, upon conviction, shall be fined in any sum not less than ten dollars nor more than one hundred dollars; provided, that each day such person shall continue to use or furnish such water after notice served as herein provided shall constitute a separate offense.

Art. 346. In order to effect the abatement of nuisances, or the removal of accumulated filth, the Board of Health shall have the power whenever, in their opinion, such nuisance or filth exists, and is, or is likely to become, detrimental to the public health, after being officially so declared by them, to notify in writing, through its officers, the owner, agent, lessee or tenant thereof to abate or remove the same, either by filling up, draining, cleansing, purifying or removing the same as may be ordered by the Health Board.

Art. 347. If any owner, agent, lessee or tenant, who shall have been

served with such notice as is provided in the preceding article, shall fail, in the time indicated in the notice, to comply with such order of the board, or fail or refuse to show good cause why he cannot or ought not to comply with such order, for which purpose he shall be entitled to be heard before said board if he request it, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars; provided, that such person may be fined not less than twenty dollars nor more than two hundred dollars for each and every day that such person thus convicted shall, after conviction, fail or refuse to abate or use due diligence in the work of abating such nuisance; and if such service cannot be made for reason that the owner, agent, lessee or tenant of the property upon which the nuisance may exist, cannot be found in the city, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, then the board shall cause such notice to be published in the newspaper doing the city printing, for one issue, and if within five days after such service of the notice or after its publication as aforesaid, such nuisance shall not be abated or the order observed by the owner, then the board shall report the proceedings had by them thereon to the City Council, and thereupon the City Council shall, if two-thirds of all the aldermen elect vote therefor, order said nuisance to be abated, either by filling up, draining, cleansing, purifying or removing the same, as the case may be, under the direction and supervision of the City Engineer. The City Council, before ordering said nuisance to be removed or abated, shall, for the purpose of acquiring the most reliable information practicable of the probable cost of said work, cause an estimate to be made by the City Engineer, and the said engineer shall also report a full list of all the lots or fractions of a lot, with the number of the block, upon which said nuisance is situated, and the names of the owners thereof, and such other information as may be required by the City Council, and if there be any lot or fractional lot the owner of which is not known, the same shall be entered on said list as "unknown," and said engineer shall enter in said list opposite each lot or fractional lot the estimated cost of the work to be done on same, and when the said work is ordered by the City Council, and shall have been completed, the City Council shall cause an accurate report of the cost thereof to be made by the City Engineer, stating the cost of the work done on each lot or fractional lot, and upon the acceptance and approval of said report and list by the City Council, said amount shall be imposed, levied and assessed by the City Council on said lots or fractional lots respectively, and collected by the City Assessor and Collector, and shall be a first privileged lien upon the property until paid. Said assessment shall bear interest at the rate of six per cent per annum from date of assessment until paid. The enforcement of the payment of said assessment shall be regulated, governed and controlled in the mode and manner provided for the collection of assessments for street improvement.

Art. 348. The Board of Health shall cause all premises to be inspected, and notify the owners of each lot to fill same up to grade established by the City Council; and they shall have authority to regulate the making, filling up, altering or repairing of all sinks and privies, and directing the mode and material for construcing them in future, and for cleansing and disinfecting the same, and for cleansing and disinfecting any house, building, establishment, lot, yard or ground from filth, carrion or impure or unwholesome matter of any kind. No animal or vegetable substance, nor sweepings or scrapings, nor dirt gathered in cleaning yards, buildings, nor waste of mills or factories, nor any materials which are offensive or tend by decay or becoming putrid to

render the atmosphere impure or unwholesome, shall be deposited or used to fill up or raise the surface or level of any lot, grounds, street, alley or low place, or any ground filled for the purpose of building thereon, unless pursuant to a special permit from the Board of Health.

Art. 349. That every person who shall sell, or offer for sale, or expose for sale in the markets, or elsewhere in the city, any unwholesome, stale, emaciated, blown, stuffed, tainted or measley meat, poultry, fish, flesh or provisions of any kind, or any stale, unripe, green rotten or unwholesome vegetables, garden produce or fruits of any kind, shall be punished by fine not exceeding one hundred dollars for each and every offense. It shall be the duty of the Board of Health and inspector appointed by them, and of the officers of the police, and each and every one of them, to seize such articles of fish, flesh, poultry, meats, vegetables, fruits, provisions or food when discovered and throw the same in the garbage cart. And it shall also be the duty of each of said officers to make complaint of every violation of this ordinance and procure the issuance of warrants against all persons so offending, that such persons may be arrested and brought before the city court for trial therefor.

Art. 350. All notices provided for in this chapter shall be in writing, and may be served by any policeman, by delivering a copy of such notice to the person therein named or by posting notice on the premises.

Art. 351. Any person who shall violate any of the provisions of the preceding articles in this chapter, or fail to perform any duty therein prescribed, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars, unless another penalty is especially prescribed therefor.

Art. 352. It shall not be lawful for any dead body to be buried within the city limits, except in some cemetery of the city, unless express permission therefor be granted by the Board of Health or cemetery committee; and any person who shall bury, or attempt to bury, such dead body within the corporate limits elsewhere than in such cemetery, without such permission from said board or committee, shall be subject to a fine not to exceed fifty dollars.

CHAPTER II.

Privies.

Art. 353. Any person or persons within the City of Denison who shall maintain, keep or use, or permit to be maintained, kept or used in the city limits of said city any earth closet, by which is meant any closet intended for the deposit of human excrement and not properly connected with a sewer line, shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one nor more than fifty dollars; provided, that no person shall be prosecuted hereunder unless he shall have maintained, used or kept, or permitted to be maintained, used or kept such earth closet, for thirty days after the receipt of written notice from the Chief of Police of the City of Denison to abolish such earth closet.

Art. 354. In any prosecution hereunder it shall be a complete defense to the owner or occupant of premises upon which any earth closet is used, kept or maintained, to show that there is not constructed within fifty feet of any portion of said premises a sewer line of the city with which connection can be made.

Art. 355. Any person or persons who shall maintain, keep or use in the City of Denison any privy, by which is meant any privy or closet intended for the deposit of human excrement, and not properly con-

nected with the public sewer, that has not a watertight, movable box in proper place for the reception of human excrement, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than ten dollars, and each day that any privy is maintained, kept or used without having said watertight, movable box shall be deemed a separate offense. The fact that such privy is connected with a cesspool shall be no defense against prosecution hereunder.

Art. 356. Any person or persons owning, using or occupying premises within the City of Denison, Texas, upon which is maintained, kept or used an earth closet, by which is meant any closet intended for the deposit of human excrement, and not properly connected with a sewer line, shall have such earth closet cleaned once each month by the city garbage hauler and shall pay to the garbage hauler or street and alley inspector the sum of twenty-five cents for cleaning such closet. If the garbage hauler is requested to clean any earth closet more than once each month, then he shall be paid twenty-five cents for each additional cleaning of such closet by the party requesting same. Such garbage hauler shall have the right to demand such sums to be paid in advance before cleaning any closet.

Art. 357. That any person or persons failing to comply with the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than twenty-five dollars.

Art. 358. All privies hereafter constructed within the City of Denison shall be built and placed so as to connect with an alley and all those privies now in use and which do not connect with the alley shall be changed within ninety days from the passage of this ordinance so as to comply with same.

Art. 359. The preceding article shall not apply to cases where it is impossible for the owner or owners of any lot to place a privy so as to connect with the alley, or to persons residing within the sewer districts where such persons have made sewer connections.

Art. 360. All persons violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and. upon conviction, shall be punished by a fine of not less than ten ($10.00) dollars nor more than twenty-five ($25.00) dollars.

CHAPTER III.

Cleaning Premises, Etc.

Art. 361. That it shall be the duty of every person or persons, owning or occupying tenements, storehouses, hotels, restaurants or stables, or any and all outhouses whatsoever throughout the entire city, to clean up all that portion of the street and alley, or streets and alleys, and gutters which join the lot or lots upon which said tenements, storehouses, hotels, restaurants, stables and outhouses are situated, and to keep the same cleaned up as hereinafter provided.

Art. 362. It shall be the duty of each and every person or persons owning or occupying any tenements, storehouses, hotels, restaurants, stables or outhouses, as mentioned in Article 361 of this chapter, to have all the slops, offal and all other decaying substances whatsoever, put in a proper and safe vessel or vessels. either in barrels or boxes. and have the same placed at some convenient part of the alley or street where the street and alley inspector can have the same removed.

Art. 363. It shall be the duty of the Street and Alley Inspector to

remove, or cause to be removed, all slops, offal and other matter and substance, as mentioned in the preceding article, as often as he may be ordered and directed by the City Council or the sanitary committee, the same to be removed to such place or places as will protect the city from any harm arising from the deposit of the same.

Art. 364. Each and every person or persons from whose premises or places, as mentioned in Article 361 of this chapter, any slops, offal or other matter or substance is removed, as provided for in Article 363 of this chapter, shall pay to the City of Denison, for the removing of the same, the sum of five cents for each bushel or fractional part thereof, except for the cleaning of the privies throughout the city, the same to be collected each week by the garbage hauler or the Street and Alley Inspector and by him turned over to the Chief of Police.

Art. 365. Any person violating any of the provisions of the above articles of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than twenty dollars for each and every such offense, and each day shall constitute a separate offense.

Art. 366. It shall be unlawful for any person or persons owning or having under his or their control any premises upon which is located or maintained any pen, yard or other inclosure for the keeping of hogs, horses, cattle or other animals, to fail to keep such pen, yard or inclosure free and clear from all stagnant water, slops, filth, manure and mire, and any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding twenty-five dollars, and each day that any pen, yard or inclosure is not kept free and clear from such stagnant water, slops, filth, manure and mire shall be deemed a separate offense.

Art. 367. It shall be the duty of the City Council to provide the Street and Alley Inspector with sufficient means to remove all the slops, offal and other decaying substance that may be necessary to be removed.

Art. 368. Any person or persons who shall refuse to pay for the removing and cleaning of their privies and cleaning premises and streets, alleys and gutters, as required by ordinance, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding ten dollars.

Art. 369. It shall be and it is hereby made the duty of all persons, railway companies and corporations, and their agents, owning, occupying or controlling any premises, lands, tenements, railway tracks, shops, yards, or grounds within the corporate limits of the City of Denison, Texas, to keep all weeds, bushes (other than ornamental shrubbery and trees) filth, trash, and rubbish of every kind from the premises, railway tracks, shops, yards, and grounds occupied, owned or controlled by them and from the sidewalks, streets and alleys in front and rear and adjoining the premises, railway tracks, shops, yards, and grounds so owned, occupied or controlled by them.

Art. 370. Any person, railway company or other corporation, or the agent or agents of any railway company or other corporation violating any of the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than ten dollars; provided, that each day such violation shall continue shall constitute a separate offense.

Art. 371. No person shall haul or transport over, on or along any of the streets or avenues within the corporate limits of the City of Denison any putrid or offensive matter, filth or dead animals, without first obtaining the consent of the Mayor or City Council, and then only upon such streets and avenues as may be designated by the Mayor or City Council when such permission is granted; and any person or persons violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than three dollars nor more than one hundred dollars.

CHAPTER IV.

Slaughter Houses and Yards.

Art. 372. Slaughter houses or slaughter yards, or grounds or premises used for slaughtering purposes, shall not be kept or allowed within the corporate limits of the city; nor shall any person be allowed to kill, butcher or slaughter any beef, veal, hog, sheep or goat within the limits of the city. Every person offending against or violating either of the foregoing provisions shall be fined in any sum not less than ten nor more than fifty dollars for each and every such offense.

Art. 373. That no person shall exercise or carry on, within the limits of the City of Denison, or within three thousand feet of the corporate lines outside of the same, any occupation, trade or business that creates any stench or smell offensive to the senses, which either makes the air unwholesome or renders the enjoyment of life and property in the neighborhood uncomfortable; and the exercise or carrying on within said limits of every such occupation, trade or business, and the houses and establishments in which said occupation, trade or business shall be so exercised or carried on, are hereby declared to be nuisances. That each and every day, or part of a day, any slaughter house, slaughter pen, slaughter yards, grounds or premises or slaughtering establishment may be used for any of the purposes prohibited by this article and that each and every day, or part of a day, any occupation, trade or business prohibited by this article may be exercised or carried on shall be adjudged a separate offense, and shall be punished accordingly. Any person guilty of a violation of any of the provisions of this article shall be fined in any sum not less than twenty dollars nor more than two hundred dollars.

CHAPTER V.

Deposit for Dead Animals.

Art. 374. That it shall be the duty of the City Council, by resolution, to establish, designate and keep a place for the deposit, outside of the city limits, and at some point least calculated to annoy or interfere with any neighborhood, where all dead animals and all manner of putrid or unclean matter that may jeopardize the public health shall be carried and deposited. And upon the establishment of such place or places of deposit the Mayor shall give notice thereof by publishing a copy of said resolution in one issue of the official newspaper of the city and after such place shall have been designated and notice thereof given as herein provided, all residents of the city shall be required and it is hereby made their duty to remove without delay all carcasses and every other manner of filth and corruption, decaying or putrid matter and everything that would be liable to jeapordize public health that may be or accumulates upon his, her or their premises or the premises occupied, owned or controlled by them, and to carry and deposit the same at the place so established. (Adopted 1893.)

Art. 375. Every owner, keeper or person in whose possession any animal may die within the limits of the City of Denison, shall forthwith remove, or cause to be removed, the dead carcass thereof, to the place designated as a deposit for such matter at his or her expense. Any person failing or refusing to comply with this or the foregoing article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three dollars nor more than fifty dollars.

Art. 376. When any animal shall die within the limits of the City of Denison, and the owner, keeper or person having control of such animal cannot be found, or is unknown, then and in that event the Chief of Police shall cause the carcass of such dead animal to be removed from the city and placed upon the place of deposit, as provided in this chapter, at the expense of the city.

TITLE NINE.
Sidewalks and Curbs.

CHAPTER I.
Construction.

Art. 377. All cement sidewalks or curb in the City of Denison shall be according to the following specifications:

Section 1. All cutting and filling necessary to bring the foundation roughly and approximately to subgrade as given by the engineer in charge of the work will be done by the city. When necessary, the foundation must be consolidated by wetting and by rolling or ramming to give it the proper stability. Soft and spongy places not affording a firm foundation must be dug out and filled with sand, gravel or dry earth, and well compacted by ramming, and foundation brought to within four and one-half (4½) inches of the grade.

Sec. 2. On the surface thus prepared there shall be placed a layer of concrete (4) inches in thickness, composed of one part of approved Portland cement, three parts of clean, coarse sand, passing when dry a screen having one-fourth inch diameter holes. After mixing dry, five parts of broken stone or clean gravel, passing through a two-inch screen and retained on a one-fourth-inch screen, shall be added, and then water added in just sufficient quantity as will give a surplus of moisture when rammed, or a concrete mixer, approved by the engineer may be used. The second layer or finishing coat one-half-inch in thickness to be made of one part of approved Portland cement and one and one-half parts of clean, coarse sand to be used before the first layer, or base, has set. In both foundation and surface coats joints shall be made with tar paper or by means of removable plates to form expansion joints or planes of weakness. These joints shall not be more than six feet apart.

Sec. 3. In every fifty (50) feet of walk, and between walks and curbs, at least one one-half inch (½) joint the full depth of the walk shall b provided. These joints shall be filled with asphalt to within one inch of the top of the walk, and the remainder of the joint with sand.

Sec. 4. When required, the surface shall be trameled smooth. The application of cement to the surface in order to hasten the hardening is prohibited. Slabs shall be rounded on all surface edges to a radius of about one-half inch.

Sec. 5. Forms shall be straight and free from warp and of sufficient strength to resist springing out of shape. All mortar and dirt shall be removed from forms that have been previously used. Forms shall be well staked to the established lines and grades and their upper edges shall have sufficient rise from the curb to provide proper drainage and shall not exceed three eighths of an inch per foot, except where such rise parallels the length of the walk.

Sec. 6. When, in the opinion of the City Engineer, weather conditions are such as to require it, the surface, when completed, shall be covered with sand, straw, hay or cloth and kept wet for not less than two days, and the material covering it shall be allowed two days in which to dry before being removed and exposing the surface to the direct rays of the sun.

Sec. 7. No walk shall be laid in freezing weather.

Sec. 8. The contractor shall clean up when the work is completed and remove everything not necessary to be left, so that the immediate vicinity of the work shall be in as good and presentable condition as before he commences his work.

Art. 378. That all persons, firms or corporations carrying on or engaged in the business of laying sidewalks, or curbs, in the City of Denison shall, before it shall be lawful for such person, firm or corporation, or their agents or employes, to lay any sidewalks in the City of Denison secure a permit from the Mayor or City Council to engage in such business, and shall execute a bond in the sum of one thousand dollars ($1,000.00) with two or more good and sufficient sureties or corporate surety, payable to the City of Denison, and conditioned that such person, firm or corporation will lay all sidewalks in strict compliance with the specifications herein and hereafter required by ordinances of the City Council, and to the satisfaction of the City Engineer, and that the maker thereof will well and truly indemnify and keep harmless and secure the City of Denison from the payment of any and all damages arising out of the laying of any sidewalk or curbing by such party.

Art. 379. Such bond shall also be conditioned that all sidewalks and curbs laid by the maker hereof shall remain in sound condition for two years after being laid, and should any sidewalk or curb laid by the maker not remain in sound condition for two years the contractor laying same will make all necessary repairs keeping it in sound condition for that period.

Art. 380. Every person, firm or corporation shall, before laying any cement sidewalk or curb in the City of Denison, Texas, secure a permit from the Mayor or City Council to engage in the business of laying sidewalks or curbs and give bond as required by the ordinances of the city.

Art. 381. Any person who shall lay or cause to be laid any cement sidewalk or curb in the City of Denison without securing such permit and giving bond shall be deemed guilty of violating this ordinance, and, upon conviction, shall be fined in any sum not exceeding one hundred ($100.00) dollars, and each sidewalk or curb laid without complying with this ordinance shall be deemed a separate offense.

Art. 382. Unless a different width is specially authorized by the City Council, all sidewalks shall be of the following widths, to-wit: On Main street, between the railway crossing on the east and Barrett avenue on the west, they shall be sixteen feet in width; on all other streets and avenues, and the balance of Main street, they shall not be less than five feet in width, and the inside line of sidewalks shall be three feet from the property line fronting thereon; provided, that in front of all business property the sidewalks shall extend from the property line to the curb line, and the curb line shall be sixteen feet from the line of property fronting thereon, on Main and Woodard streets; and on all other streets and avenues eighty feet in width the curb line shall be twenty feet from the line of property fronting thereon; and on all other streets and avenues seventy feet in width the curb line shall be seventeen and one-half feet from the line of property fronting thereon; provided, that the curb on Houston avenue north of Main street, on Austin avenue south of Woodard street, on Chestnut street from the Missouri, Kansas & Texas railway west, on Sears street from the Missouri, Kansas & Texas railway to Tone avenue, on Mirick avenue south of Main street, on Chandler avenue south of Woodard street, and on Tone avenue north of Main to Bond street, shall be twelve feet from the line of property fronting thereon.

Art. 383. All sidewalks hereafter constructed shall be constructed of vitrified brick or concrete, according to the specifications and regulations prescribed by ordinance and under the direction and control of the City Engineer, and sidewalks of vitrified brick shall only be constructed after a permit has been obtained for the construction of same from the Mayor or City Council. All sidewalks shall be protected by substantial curb-stones. Said curb-stones shall be of concrete or of good, hard, sound lime-stone, free from flaws, dry seams, or cracks. Said curb-stones shall be dressed and placed in proper position on the curb line of said property.

Art. 384. Any person who shall construct or assist in constructing or cause to be constructed in this city any sidewalks contrary to the provisions of this or any other ordinance of the city shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined in any sum not exceeding the sum of one hundred ($100.00) dollars, and each sidewalk so constructed shall be considered a separate offense.

CHAPTER II.

Protection of Sidewalks.

Art. 385. Any person who shall erect, or cause to be erected, any awning-post on any sidewalk in the city at a distance less than the width of the sidewalk from the outside thereof, or shall put up any awning, sign, sample, or other article less than nine feet above the sidewalk, or shall obstruct or prevent free passage on the same, or shall sell or expose or offer for show or sale, by auction or otherwise, any merchandise or other property, on any sidewalk, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars; provided that nothing in this article shall be construed to prevent merchants from placing packages of goods, which they may be receiving or shipping, on any sidewalk, if the same do not occupy more than one-half thereof, or remain thereon more than six hours, nor to prevent merchants from occupying with goods, signs, samples or other articles, not exceeding three feet on the inside of sidewalks that are sixteen feet in width, and not exceeding two feet on the inside of sidewalks that are less than sixteen feet in width. (1893.)

Art. 386. It shall be unlawful for any person or persons to paint, stain or mark any sign, figures, characters or letters upon any sidewalk or paved street in the City of Denison.

Art. 387. Any person violating any of the provisions of the preceding article shall, upon conviction, be deemed guilty of a misdemeanor and be fined in any sum not exceeding twenty-five ($25.00) dollars for each offense.

Art. 388. Any person who shall ride, run or operate any velocipede or bicycle, or other wheel carriage or vehicle, except a baby carriage, on any sidewalk on any street in this city, shall be deemed guilty of a misedmeanor, and, upon conviction, shall be fined not less than three dollars nor more than one hundred dollars.

Art. 389. Any person who shall own, keep or use any book, newspaper or fruit stand, or any table, shelf, cart, wagon or any other contrivance for the purpose of selling or offering for sale any article or merchandise whatever, on any sidewalk in this city, without first obtaining permission from the owner or occupant of the premises fronting thereon, or shall occupy with any such stand or contrivance a greater extent of said sidewalk than three feet on the inside of sidewalks sixteen feet in width or two feet on the inside of sidewalks less than sixteen feet in width, shall be deemed guilty of a misdemeanor,

and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars. (1893.)

Art. 390. Any person who shall ride, drive, or lead any horse, mule or ox, or team of any description, on or across any sidewalk in this city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars; provided, that it shall be lawful for the owner or occupants of any lot in this city to so ride, drive or lead across the sidewalk in front of his lot, if it be necessary and there is no other way of access to said lot; provided, further, that the curbing and sidewalk be protected from injury.

Art. 391. Any person who shall suffer any sidewalk in front of his premises to become or continue unclean, out of repair, or in such a condition, from any cause, as to endanger life or limb, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 392. That it shall be unlawful for any person or persons to place goods, wares, merchandise or any other substance for show or for sale, or for any other purpose, on the sidewalks of the City of Denison at a greater distance than three feet from the wall of the building adjoining any sidewalk. Any one violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than twenty-five dollars.

Art. 393. The above article shall not be construed so as to prohibit merchants or other persons from having a reasonable time within which to receive and deliver goods, or to butchers hanging meat upon racks on the outer edge of the sidewalk.

Art. 394. It shall be unlawful for anyone to expectorate on the sidewalks of the City of Denison on Main street and the avenues between Woodard and Chestnut street; and any one violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding ten dollars.

TITLE TEN.
Streets and Alleys.

CHAPTER I.
Protection of Streets.

Art. 395. Any person who shall ride or drive over any part of any street in the City of Denison that is paved or being paved, before the same is opened for traffic, or any person who shall remove or displace any barriers which may have been placed to prevent the entry of traffic on such street so paved or being paved, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not exceeding twenty-five dollars.

Art. 396. Before any street or avenue or designated portion thereof, within the city limits of the City of Denison, is paved, it shall be the duty of every person, corporation, or the agent thereof, owning any water pipes connected with any water main extending along such street or avenue, or designated portion thereof, to, upon notice, replace the same with lead piping of the grade known as "extra heavy," unless said pipes are already of such grade and material; provided, that all service pipe of two inches or more in diameter may consist of galvanized iron. Every person or corporation owning any gas pipes connected with any gas main along such street or avenue or designated portion thereof, shall put in new pipeing of galvanized iron, not lighter than double strength, of not less than one inch in diameter, and all wiped joints shall be tested with a pressure of not less than one hundred and fifty pounds to the square inch. All of said pipes shall be placed under the direction and supervision of the City Engineer, or Acting City Engineer.

Art. 397. Any person violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and each and every day they shall violate the same shall be deemed a separate offense.

Art. 398. All pipes mentioned in this ordinance shall be laid within ten days after written notice from the City Engineer, or Acting Engineer, and shall extend from the mains with which they connect to a point at least six inches beyond the outer edge of that portion of the street, avenue, or of such designated portion thereof which is to be paved.

Art. 399. That it shall hereafter be unlawful for any person to throw, place, or cause to be placed, into or upon any street or avenue that is paved, any dirt, paper, fruit peelings, slops or refuse of any kind whatever.

Art. 400-401. Amended May, 1916.

Art. 402. That it shall be unlawful for any person to move or cause to be moved upon any paved street or avenue within the City of Denison, without the consent in writing of the Mayor, any traction engine, steam roller, circus wagon or any load on one vehicle the weight of which, including the vehicle, shall exceed 9,000 pounds.

Art. 403. That any person violating the provisions of the four preceding articles shall be fined in any sum not less than ten ($10.00) dollars nor more than two hundred ($200.00) dollars.

Art. 404. Whenever any excavation is made for any purpose whatever in or upon any street, avenue or any designated portion thereof which is paved, being paved or about to be paved, within the city limits of the City of Denison, it shall be the duty of the person or persons making such excavation to replace the same from the bottom thereof to the top thereof with cement mortar composed of one part Portland cement and fourteen parts of clean, sharp sand, and to replace the paving of the surface of the street in its former good condition.

Art. 405. It shall be the duty of any person or persons making such excavations in or upon any such street, avenue or designated portion thereof, to remove all dirt, sand, rock or other material taken from such excavation entirely away from that portion of said street or avenue which is paved, being paved or about to be paved, provided that no excavation shall be made unless the consent of the Mayor of the City of Denison shall first be obtained therefor; and also provided, that none of the provisions hereinbefore mentioned shall apply to parties contracted with for the purpose of constructing and placing paving upon any of the streets or avenues of the City of Denison.

Art. 406. Any person violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and each and every day they shall so violate the same shall be deemed a separate offense.

Art. 407. It shall be unlawful for any person to throw, sweep, put or place in, upon or along any of the streets, alleys or sidewalks of the City of Denison, any paper, ashes, rubbish, manure, cans or refuse or trash of any kind, and any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one dollar nor more than ten dollars.

Art. 408. Any person who shall place in any street or avenue, or any part thereof, within the City of Denison, any cinders, stone or other material, without having first obtained the consent of the City Council thereto, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined in any sum not exceeding one hundred dollars.

Art. 409. The foregoing article shall not be held to prevent the placing of such materials in said streets or avenues, where such placing is temporary only, and such materials are intended for use in construction of curbs or sidewalks, or for removal within a reasonable time to private property.

CHAPTER II.

Obstructions of Streets.

Art. 410. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any goods, wares or merchandise in or upon any street, sidewalk or avenue in this city, and any one violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars for each offense, and each day such sale is made or attempted shall constitute a separate offense; provided, however, that nothing in this article shall be construed to prohibit merchants and business men owning, renting or occupying buildings for business purposes from occupying as at present three feet of the sidewalk next to the property line for the purpose of displaying or selling their goods, wares and merchandise; and provided, further, that nothing in this article shall be construed to prohibit the owners, renters or occupants of the buildings from allowing articles of home production

or home manufacture sold in front of their business, if they should so desire, but no game of chance, contrivance or device whatever, that is not recognized as legitimate under the laws of this State, shall be permitted under any consideration. (Ordinances, 1893.)

Art. 411. It shall be unlawful for any person, firm or corporation, or any association of persons, to establish and put in operation any contrivance, device or game of chance whatever, or continue the same if now in operation, on any of the streets or avenues of this city, and any one violating this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars for each offense or violation of this article, and each violation shall constitute a separate offense.

Art. 412. That it shall be unlawful for the owner, driver or person in charge of any dray, job wagon, express wagon, delivery wagon, vehicle or stand, whether wood, fruit, melons, vegetables or other merchandise of any character whatsoever is being sold or offered for sale therefrom or not, to stop or permit such vehicle or stand to stand or remain for the purpose of so selling such merchandise or while waiting employment or for any other purpose upon any portion of Main street between Houston avenue and Fannin avenue or upon any avenue within twenty-five feet of Main street within said district; provided, that for such drays, job wagons, delivery or express wagons to stand on such part of said streets while actually engaged in receiving or discharging loads shall not be held a violation of this article.

Art. 413. It shall be unlawful for the owner or person in charge of any horse, mule or other animal, whether attached to a vehicle or not to tie or permit the same to stand on any portion of Main street within said district or upon any avenue that is paved within twenty-five (25) feet of Main street for more than thirty minutes at any one time and place, and the temporary moving of such animal shall be no defense from prosecution hereunder.

Art. 414. It shall be unlawful for any person to permit any team, wagon or other vehicle to stand for more than five minutes at any point on any street or avenue in the City of Denison in such position that such team, wagon or other vehicle, or any portion thereof, shall be more than fourteen feet from the curb line of said street or avenue; and provided, further, that at no time shall such team, wagon or other vehicle stand in any street or avenue in such position that there will not be left in such street or avenue an unobstructed passway at least twenty feet in width.

Art. 415. The term vehicle, as used in this ordinance, shall refer to wagons, drays, buggies, automobiles, motorcycles and all vehicles of any description whether herein especially named or not. Any person violating any of the provisions of the three preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars. (Adopted 1916.)

Art. 416. No owner or owners or any other person having charge of any cart, dray, hackney coach or any other carriage or vehicle, whether used for hire, burden or pleasure, shall stop or place such vehicle at or near the intersection of any street, avenue or alley in such a manner as to prevent foot passengers from passing such street, avenue or alley, and any person who shall so place any such vehicle as aforesaid, and shall not immediately, on the request of any foot passenger, cause the same to be removed, or shall absent himself so that the request cannot be immediately made and complied with, shall be liable to a fine of not less than ten dollars nor more than one hundred dollars for each violation. (Ordinances 1893.)

Art. 417. It shall be unlawful for any person to place or cause to be placed or to be in any manner concerned in the placing and maintaining a stand on Main street or on the sidewalk thereof; or on any avenue or the sidewalk thereof within 100 feet thereof from which is sold chili, hamburg steaks or foods of any character.

Art. 418. That it shall be unlawful for any person to cook or cause to be prepared for sale or to be served to the public on Main street or on any sidewalk on any avenue within 100 feet thereof any food or other commodity used or offered for sale as food or diet.

Art. 419. Any person violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding twenty-five dollars.

CHAPTER III.

Prohibiting Signs and Streamers Over Streets and Sidewalks.

Art. 420. All signs and streamers of any kind hanging or placed over or across the sidewalks or streets or avenues of the City of Denison are hereby declared to be a nuisance and the same shall be removed under the provisions and within the time hereinafter provided.

Art. 421. The owners of and persons in possession of property fronting upon streets and avenues of the City of Denison are hereby required to remove or cause to be removed all signs and streamers hanging or placed over or across or upon the sidewalks, streets and avenues abutting or adjoining the property controlled by such owners or persons in possession of such property within ten days from the passage, approval and publication of this ordinance.

Art. 422. Any person who shall hang, fix or place or cause to be hung, fixed or placed any sign or streamer over or across or upon any sidewalk, street or avenue of the City of Denison, or who shall suffer, have or allow same, shall, upon conviction thereof, be fined in any sum not exceeding five dollars, and each day which said sign or streamer shall be allowed to remain over, upon or across any sidewalk, street or avenue of said city shall constitute a separate offense.

Art. 423. It is provided, however, that it shall not be a violation of the above ordinance to attach signs to building which do not extend out further than three feet from the buildings.

CHAPTER IV.

House Moving Along Streets.

Art. 424. It shall be unlawful for any person, firm or corporation to move any house, outhouse or other building of any kind or character along and upon any street, avenue or alley of the City of Denison without first obtaining from the City Council of said city a special permit therefor.

Art. 425. Any person, firm or corporation desiring to move any house or building over or along any street, avenue or alley in the City of Denison, shall, at least two days before making application for a permit therefor, notify the owners of all wires, poles or other obstructions in or over the street, avenue or alley which may be affected by the proposed house hoving, of the intention to move the said house, which notice shall be in writing and shall describe the house proposed to be moved and the route to be traveled, place to which it is desired to move same, and shall also state the time at which application for permit will be made, which may be at any regular or special meeting of the City Council.

Art. 426. At any such regular or special meeting, the City Council shall hear such application for a permit and the objections thereto, if any, and may in their discretion grant same unconditionally, may provide that all or any part of the cost and expense or removing any structures in the way of moving such house shall be borne and paid by the house mover, may require the deposit of such an amount in cash with the City Secretary as it may deem proper to secure the payment of such cost and expense as may be required to be paid by the house mover, may designate the route along which the house or building may be moved and provide any other conditions under which the same may be moved, or may refuse such permit; provided, that at the time of applying for such permit the person applying therefor shall file with the City Secretary an affidavit showing service on the owners of such wires or structures as may be affected by such moving, of the notice herein provided for.

Art. 427. Upon the granting of the permit herein provided for, all owners of wires or other structures that obstruct the movement of such house are hereby required on twenty-four hours' written notice to temporarily remove same so as to permit the passage of said house, and upon failure so to do, the person moving the house is authorized to remove such wires or structures with the least damage possible, without liability, provided he has complied with all the provisions and requirements of the City Council.

Art. 428. Any person who moves or assists in moving upon, along or across any street, avenue or alley of the City of Denison, Texas, any house, outhouse or other building, without first obtaining from the City Council a special permit therefor, or without complying with such terms, conditions and requirements as may be imposed by said City Council in granting said permit, or who, having begun the moving of a house under a permit, shall fail to continue such moving with all reasonable dispatch and speed, so as to not unreasonably obstruct any street, avenue or alley, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than twenty-five nor more than two hundred dollars, and each day such person is engaged in or about such moving shall constitute a separate offense.

Art. 429. It shall be the duty of every person, firm or corporation, or the agent of such person, firm or corporation, owning, controlling or operating telegraph, telephone or electric light wires in the City of Denison, upon notice in writing being served upon the local agent of such person, firm or corporation by any person desiring to remove any house or building under any wires used or owned by such person, firm or corporation, to temporarily remove the same or so arrange the same, within twenty-four hours after the receipt of such notice, as to allow such building to pass under such wires.

Art. 430. It shall be unlawful for any person to cut or otherwise injure or interfere with any telegraph, telephone or electric wires in the City of Denison.

Art. 431. Any person or persons violating any of the provisions of the two preceding articles shall be punished by a fine of not less than ten dollars and not more than one hundred dollars for each offense; provided, that each day that any person or agent of any person, firm or corporation, shall refuse to temporarily remove the telegraph, telephone or electric wires, as herein provided, after the expiration of twenty-four hours from the receipt of the notice herein mentioned, shall constitute a separate offense.

CHAPTER V.

Street Work.

Art. 432. All able-bodied persons between the ages of 21 and 45 years, residing within the limits of the City of Denison, shall be liable, and it is hereby made their duty to work on, repair and clean out the public streets, avenues and alleys of the City of Denison under such provisions and regulations as are hereinafter made, except such as are exempt under State law, who shall be exempt.

Art. 433. No person shall be compelled to work upon the streets, avenues and alleys of said city, who is not an actual resident of the city, and who has not resided in the city for thirty days immediately preceding summons so to work.

Art. 434. The Deputy Street Commissioner who shall be appointed by, and who shall hold his office at the pleasure of, the City Council, shall have the power, and it is hereby made his duty, to call out as many persons from time to time as may be necessary to work upon, repair and clean the streets, avenues and alleys at such times and places as may be designated by the chairman of the street and alley committee, by written or printed notice as hereinafter provided; provided, that no person shall be compelled to work more than two days each year.

Art. 435. Every person liable to work upon the streets, avenues and alleys of said city, shall have the privilege of furnishing an able-bodied substitute to work in his place, which substitute shall be accepted by the street foreman if he be capable of performing a reasonable amount of work, otherwise he shall not be accepted.

Art. 436. It shall be the duty of the Deputy Street Commissioner to give at least three days' notice by summons in writing, a copy of which shall be delivered to the person named therein, which notice shall name the time and place of working on said streets, avenues and alleys and said officer so serving said notice shall endorse upon the original of such notice the time and manner in which said notice has been served, and shall deliver the same to the Assessor and Collector, to be by him filed in his office. Each person so notified to work upon the streets, avenues and alleys shall take with him an axe, hoe, pick or spade, as may be designated in said notice.

Art. 437. If any person, liable under the provisions of this ordinance for street work, shall wilfully fail or refuse to attend either in person or by substitute, at the time and place designated in said notice or summons as herein provided for, after being duly notified under the provisions of this ordinance, or shall fail on or before the day for which he is summoned to attend, to pay to the City Assessor or Collector, one dollar per day for each day he may have been notified to work, or, having attended, shall fail to perform the duty required of him by law, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than two dollars and not exceeding ten dollars.

Art. 438. The City Assessor and Collector shall, and it is hereby made his duty, to deliver to the Chief of Police on the first of each month a list of all who have been notified under the provisions of this ordinance to work upon the streets, avenues and alleys of the City of Denison during the preceding month and have failed to comply with the provisions of this ordinance; provided, that it shall be the duty of the Street Commissioner, on the last day of each and every month, to furnish the Assessor and Collector with a list of such persons as have reported to him and that have worked upon the said streets, avenues and alleys of said city.

Art. 439. If any proprietor of any restaurant, boarding house or hotel, or any person keeping sleeping apartments to rent, or furnished rooms to rent, shall fail or refuse, after having been requested by the Street Commissioner to furnish to said officer the names of all male persons taking meals, boarding or rooming at his or her house or place of business, such person shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding twenty dollars.

CHAPTER VI.

Animals Running at Large.

Art. 440. It shall be unlawful for the owner or keeper of any stallions, geldings, mares, mules, jacks, jennets, cattle, sheep, goats, hogs or other animals to permit the same to run at large at any time, day or night, within the corporate limits of the City of Denison; provided, that nothing herein contained shall be construed so as to include dogs owned by any persons as pets, unless they are bitches in heat. (Ordinances 1893.)

Art. 441. It shall be the duty of the Chief of Police to establish a public pound in the City of Denison, at such place as the City Council may designate, where all animals found running at large or left unhitched, in violation of this chapter, shall be received and taken care of. It shall be the duty of the Chief of Police to cause all stallions, geldings, mares, mules, jacks, jennets, cattle, sheep, goats, hogs and other animals found running at large or left unhitched within the city limits, contrary to the provisions of this chapter, to be gathered up and impounded in the public pound; and the Chief of Police shall proceed to sell the same at public auction for cash, first giving five full days' public notice of the time and place of said sale in some daily newspaper published in the City of Denison, and by notice posted at the city hall, the postoffice and at place of sale, describing the animal or animals impounded.

Art. 442. After deducting the expenses of taking up and keeping such animal or animals, and his fees, which shall be two dollars for each animal impounded, the Chief of Police shall pay the City Treasurer the proceeds of such sale, taking his receipt therefor, and he shall report his action to the next meeting of the City Council.

Art. 443. The owner of any animal impounded, as provided in this chapter, may redeem the same as follows:

1. Before such animal is sold, by paying the expenses of taking up, keeping and the officer's fees for impounding the same.

2. After sale, by paying the purchaser twenty per cent above the amount bid by him for such animal or animals, and his reasonable expenses for keeping the same. At any time within two years from the date of sale of any animal the owner of same shall, on making proper proof of the ownership of any animal sold, receive from the City of Denison the amount for which such animal was sold, less the officer's fees for impounding the same and the expense of taking up and keeping such animal, and guarding and feeding same, and also the expense of advertising and sale of said animal.

Art. 444. All the expenses of taking up, keeping, guarding and feeding of any and all animals impounded according to the provisions of this chapter, shall be paid to the Chief of Police, and by him paid to the City Treasurer as city funds.

Art. 445. If at the time of sale no purchaser can be found for any of the animals impounded under the provisions of this chapter, then the Chief of Police may kill or cause to be killed all such animals, and shall deposit the carcasses in such place as may be designated for such matter.

Art. 446. It shall be unlawful for any person to tie or hitch any stallion or jackass, except they be at the time working in harness, or any bull, in any of the streets or alleys or open lots or commons within this city, or to keep any stallion, jackass or bull for service to mares, jennets or cows in any open lot, street or alley within this city.

Art. 447. It shall be unlawful for any person to tie any animal mentioned in this chapter upon any street, alley or avenue or across any sidewalk, or upon or within any of the public grounds of said city, for the purpose of grazing or exercise.

Art. 448. It shall not be lawful for any person to drive or cause to be driven any horses, mules, jacks, beeves, cattle, sheep, goats, hogs or other animals in droves through the city, except the same are guarded by a sufficient number of drivers to keep them from running away, and it shall never be lawful to drive or cause to be driven such animals on Main street, and the owners and keepers of all such droves shall be responsible for all damages to person or property, public or private, within this city, done or occasioned by such droves or drivers thereof.

Art. 449. It shall not be lawful for any person knowingly to use, keep or permit to run at large at any time or place within the city limits any horse, mare, gelding, mule, jack, jennet or colt diseased with glanders or any other contagious disease.

Art. 450. Any person or persons violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the Denison city court, shall be fined in any sum not less than five nor more than one hundred dollars.

Art. 451. That the north half of lot No. 25 in block No. 52, O. T. P. of the City of Denison, situated on Chestnut street, be and the same is hereby established as the city pound. That said pound shall be used for the purpose of placing and keeping and impounding all animals that are found running at large in the City of Denison in violation of the ordinances of said city.

CHAPTER VII.

Relating to Taxing and Impounding of Dogs.

Art. 452. That there is hereby levied upon each and every dog or bitch owned within the limits of this city, an annual tax of one dollar upon male dogs, and two dollars upon female dogs, which tax is due and payable on the first day of April in each year; and it is hereby made the duty of every owner of any dog or bitch, or of anyone who shall keep or harbor any dog or bitch, to pay over to the Assessor and Collector the said tax, and any person failing to comply with the provisions of this section shall be fined in any sum of not less than one dollar nor more than five dollars.

Art. 453. That upon payment of said tax the Assessor and Collector shall furnish the owner of said animals a tag, on which shall be stamped the words, "tax paid;" with the year for which the tax is paid, and while said tag is around the neck of said animal, said animal may run at large, in the city, except as hereinafter provided. that when any bitch is in heat, she shall be kept confined in a suitable pen or building, and any person failing to do so shall be fined in any sum not less than one dollar nor more than ten dollars, and said bitch while so running at large may be killed by the Chief of Police or any policeman.

Art. 454. That it shall be the duty of the Chief of Police and his assistants to capture and impound in the city pound any dog or bitch found running at large, within the corporate limits of the City of Denison, without a tag as prescribed in the preceding article, and it is

hereby made the duty of the Chief of Police and his assistants to capture and impound any dog or bitch running at large, within the corporate limits of the City of Denison, between the 31st of March and November 1st in each year without having his or her mouth securely muzzled even should said dog or bitch be provided with the tag as prescribed in the preceding article, and it shall be the duty of the Chief of Police and his assistants to kill all dogs and bitches remaining in the city pound forty-eight (48) hours after their capture and impounding, being unclaimed and unredeemed, as hereinafter prescribed. All money collected shall be paid into the treasury of the city.

Art. 455. That the owner of any dog or bitch captured and impounded under the provisions of this ordinance shall be permitted and allowed to redeem, reclaim and again receive possession of said dogs or bitches upon the payment to the Chief of Police the sum of one dollar and fifty cents for each dog or bitch impounded, as impounding fees, which shall be paid by the Chief of Police to the City Treasurer.

Art. 456. That it shall be the duty of the Chief of Police to see that this ordinance is strictly enforced; provided, that this ordinance shall not apply to dogs following countrymen into the city.

Art. 457. That the Chief of Police and any police officer, or any other person, shall have the right to shoot or kill any rabid dog anywhere, or any dog in the streets which shall manifest a disposition to bite.

Art. 458. That the City Council shall allow such compensation for the capture and impounding of the dogs as shall be mete and proper.

Art. 459. It shall be unlawful for any owner of a dog or dogs, or any person in charge thereof, or any person the owner of the premises at which said dog is located, or any person in charge of said premises, to secrete any dog about said premises so owned or controlled when the same shall be demanded or sought for by the proper officer of the City of Denison for the purpose of enforcing any tax that might be due against said dog or dogs, or for the purpose of killing said dog on account of being vicious and dangerous to the public.

Art. 460. Any person violating any of the terms of the preceding article shall be deemed guilty of a misdeameanor, and, upon conviction, shall be fined in any sum not less than five nor more than twenty-five dollars.

CHAPTER VIII.

Street Railways.

Art. 461. That the following rules and regulations concerning the running of street railway cars shall be binding upon every person, firm, company or corporation owning or operating a street railway in this city:

Section 1. Cars, when being driven in the same direction, shall not approach each other within a distance less than one hundred feet, except when it may be necessary to connect two cars together or at stations.

Sec. 2. No car shall be drawn at a greater speed than twelve miles per hour.

Sec. 3. No car shall be allowed to stop upon the public crossings of the streets, but shall cross the same before stopping.

Sec. 4. The driver or conductor of each car shall keep a vigilant watch for all vehicles and persons on foot, especially children, either on the track or moving towards it, and upon the first appearance of danger to such persons or vehicles, the car shall be stopped in the shortest time and space possible.

Sec. 5. Drivers and conductors shall announce to passengers the names of the streets or the place where the car connects or intersects with any railroad track.

Sec. 6. The cars after sunset shall be provided with signal lights.

Sec. 7. At least two cars running separate shall be run on West Denison line at the same time, and cars shall run each way every fifteen minutes.

Art. 462. Any person or persons who shall fail to comply with or who shall violate or cause to be violated any of the provisions of the preceding sections shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 463. It shall be unlawful for any person to travel along any street or avenue in the City of Denison, in which street or avenue a railroad or street car track is constructed, by walking between the rails of such track or within five feet of the outside of the rails thereof.

Art. 464. All persons having occasion to cross such tracks shall cross the same at a course which shall be at a right angle to said track as nearly as practicable.

Art. 465. Any person violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding twenty-five dollars.

Art. 466. Interurban cars, either "Local," "Limited" or "Express," shall not be required to stop to take on or let off local city fare passengers in the city limits of the City of Denison, provided, not less than a reasonable thirty-minute local city service is furnished along the route of said interurban cars.

Art. 467. That interurban cars, either "Limited" or "Express" passenger, shall not be required to stop to take on or let off passengers at more than two designated points within said city.

Art. 468. That "Local" interurban cars shall not be required to stop to take on or let off passengers on Mirick avenue, except at the intersection of the M. K. & T., and H. & T. C. railroads and at Hull street.

Art. 469. Any person not being a regular employe or officer of the railway company, who shall within this city jump on or off, cling to or hang on any street railway car while the same is in motion, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 470. Any person who shall wilfully obstruct or injure, or cause to be obstructed or injured, any street railway track, switch, turntable, car or other property belonging to any street railway in this city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than one hundred dollars.

Art. 471. That it shall be and it is hereby declared to be the duty of all street railway companies operating cars over and along any of the streets and avenues of the City of Denison to keep properly lighted all such streets and avenues over and along which said street railway company operates its cars and for the performance of the provisions of this ordinance the president, general manager, agent or superintendent of such street railway company shall be held responsible.

Art. 472. For each and every violation of the preceding article the party so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

CHAPTER IX.

Railways.

Art. 473. That it shall be the duty of every railroad corporation which has a track, or which may hereafter have a track, in the City of Denison, to keep its roadbed, culverts, switches and drainage in good repair.

Art. 474. That whenever the track of any road crosses a street or alley in this city, the top of the rail shall be even with the surface of the street or alley for the full width of such street or alley, and the street crossing shall be fixed by the railroad company's agent. The same rule shall be observed where there are switches in the streets.

Art. 475. That where there are gutters or culverts the same shall be so constructed or covered up as not to interfere with the free passage and convenient travel along the street or alley, and so as not to convey the water into any street or lot in the city.

Art. 476. That no railroad company shall construct any switch or track along or across any street in the city without the consent of the City Council, and any and every person so doing, or aiding in the act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars, and each day that this article is violated shall constitute a separate offense.

Art. 477. That it shall be the duty of the station agent or representative of any railroad having a track in this city to see that the requirements of this ordinance are complied with, and in case of failure to comply, or of any violation of the preceding articles of this chapter, the agent shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars, and each day shall constitute a separate offense.

Art. 478. That any person in this city who shall jump on or off, or cling to or hang on any railway engine or car while the same is in motion, said person not being a regular passenger or employe, or official of the railroad company, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three dollars nor more than fifty dollars.

Art. 479. It shall be the duty of each railroad company having and operating a line of railway within the corporate limits of the City of Denison, within thirty days after the adoption of this ordinance, to erect, place and maintain suitable and proper lights, of at least two thousand candle power, at such points along the line of said railway where said railway crosses any public street in said city, or upon such street crossings as the City Council may, by resolution, designate, and to keep said lights burning from dusk until daylight, continuously, throughout each night. Said lights to be so placed and constructed as to light the entire street at the point where same is constructed, and show the location and condition of the track and crossings. Said lights to be placed on poles not less than thirty-eight feet above said railway track. If any railroad company, its officers, agents or employes, shall fail to comply with the provisions of this article, or if any engineer, conductor, fireman or other agent, employe or servant of such company shall run any engine or train of cars, between dusk and daylight, over any line of track not lighted as required by this article such persons, all or either of them, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars for each offense (Adopted 1893.)

Art. 480. That any person who shall, in this city, run, or cause to

be run, any railway engine or car at a speed greater than at the rate of 12 miles per hour, or run any car without an engine attached a greater distance than one hundred and fifty yards from the place where said engine may be detached, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two dollars nor more than fifty dollars.

Art. 481. That any person, who shall, in this city, conduct, run, or cause to be run, any railway engine or locomotive without ringing a bell attached thereto, before starting, or neglect to ring the bell all the time said engine or locomotive is in motion, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two dollars nor more than fifty dollars.

Art. 482. That any engineer, conductor or other person who shall, in this city, stop or cause to be stopped any railway engine or car across any street, alley, road or highway, so as to obstruct or interfere with the free passage thereon, for a longer time than five minutes at a time, or shall run any engine after dark without a headlight, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three dollars nor more than fifty dollars.

Art. 483. That all hotel runners in this city who shall go upon the platform of any railroad company on the arrival of passenger trains and when passengers are leaving the same, for the purpose of drumming or soliciting the custom of the passengers, without wearing in full view upon their person the name of the hotel for which they are soliciting custom, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two dollars nor more than fifty dollars.

Art. 484. That any person who shall, in this city, at any railroad depot, upon the arrival or departure of any train make any loud or unnecessary noise, or obstruct or interfere with the ingress or egress of railway passengers, or who shall loiter about such depot and unnecessarily discommode employes of the railroad company in the transaction of their business, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two dollars nor more than fifty dollars.

Art. 485. That it shall be unlawful for any person to go upon any platform or approach of or into the union depot of the City of Denison or to go and be and remain at any point within 125 feet of the east wall of said union depot and there solicit the hauling of any passenger or person or any baggage or to solicit business of any character, or to obstruct in any manner any sidewalk leading to said depot.

Art. 486. That it shall be unlawful for any person to permit any hack, cab, automobile, express wagon or other vehicle used for hire to stand or remain at any point within 125 feet of the east wall of said depot building and on Main street, except while actually engaged in discharging or taking on passengers or baggage or other load.

Art. 487. Any person who shall violate any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three ($3.00) dollars nor more than one hundred ($100.00) dollars.

Art. 488. It shall be unlawful for any person engaged in the hauling of any passenger, or the hauling of any baggage, or the drummer for any hotel or boarding house, to halloo or make any loud or unusual noise upon the arrival of any train, at or near the union depot in the City of Denison.

Art. 489. It shall be unlawful for any person to loiter in or about the union depot, either day or night; provided, however, that this

article shall not be construed so as to prevent persons who are to go off upon the train from remaining at or in the depot the proper time for the arrival of such trains.

Art. 490. Any person who shall violate any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three nor more than one hundred dollars.

CHAPTER X.

Numbering Houses.

Art. 491. All business and dwelling houses fronting on any street or avenue in this city shall be numbered. Every twenty-five feet on each street shall be entitled to a number, and there shall be placed on each house a number easily seen from the street and not less than three inches long.

Art. 492. On all streets running east and west, crossing Houston avenue, the houses shall be numbered from Houston avenue each way, even numbers on the south side of the streets, and odd numbers on the north side of the streets, and adding one hundred to the number at each avenue crossing and beginning again at one.

Art. 493. On all streets or avenues running north and south, crossing Main street, the houses shall be numbered from Main street each way, odd numbers on the west side of the streets and avenues, and even numbers on the east side of the streets or avenues, adding one hundred to the number at each street crossing and beginning again at one.

Art. 494. It shall be the duty of the City Secretary to give their proper numbers to parties requesting same.

Art. 495. It shall be the duty of every owner of any house or houses to put the proper number on same in a conspicuous place, and any person failing or refusing to do so, after notification by the City Secretary, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar nor more than fifty dollars, and each day any person shall allow said house to remain unnumbered as provided herein, after being notified, shall constitute a separate offense.

CHAPTER XI.

Telephone and Telegraph Poles.

Art. 496. That no person, corporation or company shall erect or construct any pole, pier or abutment, wire or other necessary fixture for magnetic telegraph or telephone purposes, or for electric light purposes, or for any other purpose whatever, along any of the streets or alleys of the City of Denison without first obtaining the consent of the City Council so to do.

Art. 497. Whenever in the judgment of the City Council the use of any public alley for said purposes is practicable, said poles or fixtures shall be placed upon and along said alley instead of upon and along the streets next adjoining and parallel thereto. When said poles or fixtures are set in an alley they shall be located as near the side lines of the alley as practicable, and in such a manner as not to incommode the public or the adjoining property holders.

Art. 498. The poles used as herein provided shall be of sound timber, not less than five inches in diameter at the top, straight, shapely and of uniform size, and neatly trimmed and dressed, and shall be supplied with iron steps commencing within twelve feet of the ground and reaching to the arm supporting the wires. Said wires shall be run

at a height not less than twenty-five feet from the ground. When poles and other fixtures are erected on a street they shall be placed, if practicable, on the outer edge of the sidewalk, just inside of the curb-stone, on a line dividing the lots of the property owners, but in no case to be placed so as to interfere with or damage the curb-stones, trees or other public or private property.

Art. 499. The right is hereby reserved to the City Council to, at any time, direct a change in the location of any poles now erected or hereafter to be erected in this city for any of said purposes. Also to change the height at which wires shall be run on said poles; but before any such alteration or change is made, at least five days' notice in writing shall be given to the person, corporation or company, or their agents, to be affected by the proposed change, and they shall be allowed a reasonable opportunity to appear before the City Council and be heard upon the merits of the proposed change.

Art. 500. When the City Council orders any change or alteration in the location of such poles or fixtures or in the height of such wires, it shall be the duty of such persons or corporations so ordered to commence the same within five days after such notice and complete the same without delay, and upon failure so to do, such persons shall be deemed guilty of a misdemeanor and punished as hereinafter provided. This article shall apply to all corporations, persons and companies already having poles or fixtures erected or constructed in the City of Denison, as well as to those who may hereafter erect and construct the same.

Art. 501. All persons, corporations or companies desiring to erect poles and fixtures under the provisions of this ordinance shall first file in the office of the City Secretary a written acceptance of all the provisions of this ordinance, also a written agreement permitting the City of Denison to occupy and use the top cross-arm of any pole erected, for the use of said city for telegraph police call or fire alarm purposes, free of charge.

Art. 502. All rights and franchises granted by this ordinance are granted with the express understanding that the same are not transferrable but are given only to the person, corporation or company petitioning for and receiving the grant. Any attempted transfers of the same without the consent of the City Council first had and obtained, shall be null and void, and work a forfeiture of all rights originally granted.

Art. 503. All work pertaining to the erection of such poles or fixtures, and all excavating, refilling and restoring the pavement, street, sidewalk or alley, shall be done under the supervision of the City Engineer and to the satisfaction of the City Council, and the pavement shall be restored to its original condition as speedily as possible.

Art. 504. All persons, corporations or companies that have erected any such poles or fixtures in the City of Denison, or that may hereafter erect or construct them, and have ceased to use them for the purpose originally intended, or that may hereafter cease to use them, are hereby required to take down and remove such poles, wires and fixtures when notified by the Mayor upon the order of the City Council. It shall be the duty of such persons to commence such removal within five days after said notice and to complete the same without delay, and upon their failure so to do, such person shall be deemed guilty of a misdemeanor and punished as hereinafter provided. And in addition thereto the Chief of Police, upon order of the City Council, may proceed to take down and remove such poles, wires and fixtures at the cost and expense of such persons, corporations or companies, and the same shall be

charged against them, and may be sued for and recovered by the city in any court of competent jurisdiction. This article shall apply to all persons, corporations and companies already having poles, wires or fixtures erected or constructed in the City of Denison, as well as those who may hereafter erect or construct them.

Art. 505. Nothing in this chapter shall be construed as to in any manner affect the rights of this city in the future to prescribe any other mode of conducting such wires over or under its thoroughfares. Every violation of any of the provisions of this chapter shall constitute a misdemeanor, and the persons, companies or corporations, or any employe, agent or local manager or officer thereof in Denison, violating any of said provisions shall, upon conviction in the city court, be fined not less than three dollars nor more than one hundred dollars for each and every violation, and every day's failure or refusal to comply with any of said provisions shall be deemed a separate offense.

CHAPTER XII.

Miscellaneous.

Art. 506. It shall be unlawful for any person owning, having under control or possession any chicken fowl or fowl of any kind, to wilfully permit said chicken or fowl or other fowl to run at large on the streets of the City of Denison, or to interfere with or trespass upon the premises of any other person, unless the consent of such person in possession of or owning such premises shall first be obtained.

Art. 507. All persons raising chickens or other domesticated fowls within the City of Denison shall keep same confined in suitable coops or in yards properly fenced so as to prevent such chicken fowl or other fowl from escaping and running at large within the city, and all such persons shall keep such chicken coops or chicken yards in a clean and sanitary condition so that the same shall not become foul or offensive to the adjacent neighbors or dangerous to the public health.

Art. 508. Any person violating any of the provisions of the two preceding articles shall be subject to a fine, upon conviction, in any sum not exceeding the sum of twenty dollars.

Art. 509. It shall hereafter be unlawful for any person to black or shine any boots or shoes on Main street or on the sidewalks on Main street in the City of Denison, and it shall be unlawful to solicit such work on said street or sidewalk.

Art. 510. Any person violating any provision of the preceding article shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined not exceeding ten dollars for each and every such offense.

Art. 511. If any person shall ride or drive with horse, buggy, wagon, automobile or other vehicle, through or across any funeral procession or interrupt such funeral procession in the City of Denison, such person shall be adjudged guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding twenty-five ($25.00) dollars.

Art. 512. The provisions of the preceding article shall not apply to any person belonging to the fire department of the City who may be riding or driving to a fire.

TITLE ELEVEN.

Taxation.

CHAPTER I.

Rendition, Taxation, Etc.

Art. 513. The City Council shall, on or before the first Tuesday in June in each year, or as soon thereafter as practicable, pass an ordinance levying the ad valorem, poll and other taxes to be assessed and collected for the ensuing municipal year. (Ordinances 1893.)

Art. 514. That it shall be the duty of every person, partnership and corporation, owning or controlling property within the limits of the corporation, to hand in to the City Assessor and Collector of the city a full and complete inventory of the property possessed and controlled by him, her or them, within said limits, not exempt from taxation, on the first day of January of the current year, within two months after the first publication of a published notice by said Assessor and Collector requiring them so to do, and which said notice shall be so published in one of the newspapers published in the City of Denison, ten days prior to the first day of January, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of property will expire.

Art. 515. That said inventory, so to be handed in, shall be verified by such person, partnership or corporation, or by their agent or attorney, or by some member of such partnership, or officer of such corporation, by affidavit, in writing, which shall state "that said list is a full and complete list of all property, real and personal, not exempt from taxation, owned by, or under the control of, said person, partnership or corporation,(as the case may be), on the first day of January last, within the limits of the city." And it is further provided, that any party rendering such list, or for whom the same is rendered, may also state the value of same, should such party so desire, in which case the affidavit shall contain the following additional clause, to-wit: "And that the valuation of said property is just as therein stated, as affiant in all sincerity believes." Any person who shall desire to contest the valuation placed on the property by the Assessor and Collector, shall state the value of the same, under oath, as herein provided.

Art. 516. That any person failing and refusing to render such list, and every member of a partnership, and every secretary, president or treasurer of a corporation, or other person having the affairs of a corporation or partnership in charge, who shall fail to render such list of property for assessment, shall be liable to a fine of not less than ten dollars nor more than one hundred dollars.

Art. 517. Every banking corporation, state or national, doing business in the City of Denison, shall render its real estate to the Assessor and Collector of taxes at the time and in the manner required of individuals. At the time of making such rendition, the president, cashier or some other bank officer of said bank, shall file with the said Assessor and Collector a sworn statement showing the number and amount of shares of said bank, the name and residence of each shareholder and the number and amount of shares owned by him. Every shareholder of said bank corporation shall render at their actual value,

to the Assessor and Collector of Taxes, all shares owned by him in such bank; and in case of his failure so to do, the Assessor and Collector shall assess such unrendered property. Each share in such bank shall be taxed only for the difference between its actual cash value and the proportionate amount per share at which its real estate is assessed. The taxes due upon the shares of banking corporations shall be a lien thereon, and no banking corporation shall pay any dividend to any shareholder who is in default in the payment of taxes due on his shares; nor shall any banking corporation permit the transfer upon its books of any share the owner of which is in default in the payment of his taxes upon the same.

Art. 518. If any president, cashier or other officer of any banking corporation, doing business in the City of Denison, shall refuse or neglect to file with the City Assessor and Collector a sworn statement showing the number and amount of the shares of said banking corporation, the name and residence of each shareholder and the number and amount of shares owned by him, after being called for and demanded in person by said Assessor and Collector, he shall be punished by a fine in any sum not less than twenty dollars nor more than two hundred dollars; and each day that he shall neglect or refuse to file with the City Assessor and Collector a sworn statement as provided for in this and the preceding article, after demand therefor by the City Assessor and Collector as aforesaid, shall constitute a new and separate offense, and be punished as hereinbefore provided.

Art. 519. That the term real estate or property, as used in this chapter, shall be construed to include lots, lands, and all buildings or machinery, and structures of every kind erected upon or affixed to the same.

Art. 520. That the term personal estate or property, as used in this chapter, shall be construed to include all household furniture, moneys, goods, capital, chattels, all stocks and bonds, and stocks of corporations, moneyed and otherwise, and generally all property which is not real.

Art. 521. That all property exempt from taxation under the constitution and laws of the State, and charter of the city, and all bonds of the corporation of the City of Denison, shall be exempt from taxation.

Art. 522. All property, real and personal, subject to taxation under the general laws of the State, shall be inventoried and assessed in accordance with the general laws of the State, when not otherwise provided in the charter and ordinances of the city.

TITLE TWELVE.
Corporation Court, Etc.

CHAPTER I.
Costs.

Art. 523. In cases in the Corporation Court of the City of Denison, where a conviction is had, either by a plea of guilty or upon conviction after a plea of not guilty is entered, it shall be the duty of the clerk of this court to assess in each case and tax against the defendant the following costs, whenever the proper process therefor has been issued:

Taking complaint	$ .25	Serving warrant of arrest	1.00
Warrant of arrest	.75	Summoning jury	1.00
Each additional name	.10	Attaching witness	1.00
Taking bond for appearance	1.00	Witness fee	.75
Swearing witness	.10	City Attorney fee on plea of guilty	2.50
Receiving verdict and entering judgment	.50	City Attorney fee on plea of not guilty	5.00
Entering judgment on motion for new trial	.25	Docketing case	.10
Continuance on application of defendant	.10	Issuing each subpoena	.50
Jury fee when demanded by defendant	3.00	Issuing attachment for witnesses	1.00
Taxing costs and copy thereof when demanded by defendant	.10	Swearing and impanelling jury	1.00
Transcript on appeal	1.50	Entering orders	.10
Taking and approving appearance bond by the officer	1.00	Issuing commitment	1.00
		Capias pro fine	1.00
		Approving appeal bond	.50
		Executing commitment	1.00
		Summoning each witness	.50

And no officer of the court, or employe of the city shall have power or authority to reduce or otherwise change or alter the taxing of the above costs in each case where conviction is had in the Corporation Court of the City of Denison, and it is the mandatory duty of the Clerk, the City Secretary or the Acting Clerk of the court to tax the costs above set out in each case.

Art. 524. All persons who may hereafter be convicted in the Corporation Court of the City of Denison and who are unable to pay such fine and costs, resulting from such conviction, may, when required, be worked on the streets and avenues of the city or any other public work, and shall be allowed as credit on said fine and costs the sum of seventy-five cents per day; provided, that when such prisoners or persons so convicted are not worked as herein provided for, they shall be allowed as a credit on their fine and costs the same amount during the time they are confined in jail.

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